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**IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH**

CWP-21959-2022

Date of decision: 04.02.2026

MAJOR SINGH AND ANOTHER**....Petitioners**

Versus

STATE OF PUNJAB AND OTHERS**....Respondents****CORAM: HON'BLE MR. JUSTICE HARPREET SINGH BRAR**

Present: Mr. Ajay Sharma, Advocate
for the petitioners.

Mr. Vikas Sonak, AAG, Punjab.

Mr. Amaninder Preet, Advocate
for respondent No.3.

HARPREET SINGH BRAR, J (Oral):

The present civil writ petition has been filed under Article 226 of the Constitution of India for issuance of a writ in the nature of *Mandamus* directing the respondents to release the post service benefits of the petitioners, including leave encashment and gratuity with interest @ 18 % per annum from the date of accrual till its actual realization.

2. On 22.09.2022, the following order was passed by a Coordinate Bench of this Court: -

“Learned counsel submits that the petitioner No.1 and the husband of petitioner No.2, both were employees of the Lambi Cooperative Marketing-cum-Processing Society Limited and in view of the merger into MARKFED, they were transferred to the District Office, Sri Muktsar Sahib. After joining there within a short span of just over a month, they tendered their resignation, which was accepted.



Thereafter, petitioner No.1 and husband of petitioner No.2, represented on many occasions for release of their terminal benefits but to no avail. It is further submitted that the post held by them is a non-pensionable post and therefore, the retiral dues are only in the shape of gratuity and leave encashment. Learned counsel would contend that the law is well settled that the right to gratuity and leave encashment is akin to right in property and non-payment thereof, is a continuing wrong.

Notice of motion.

Ms. Ambika Bedi, AAG Punjab, accepts notice on behalf of respondent Nos.1 and 2, Mr. Vikas Singh, Advocate accepts notice on behalf of respondent No.3 and waive service. They pray for time to complete instructions and file written statement.

Adjourned to 31.01.2023.”

3. Learned counsel for respondent-MARKFED has raised an objection regarding the eligibility of petitioner No.1 on the ground that he had retired prior to the date of amalgamation of Lambi Cooperative Marketing-cum-Processing Society Ltd and MARKFED. He further submits that so far as the husband of the petitioner No.2 is concerned, his service record was not available with respondent No.2, as the acquisition of the Society was under consideration before a Court of competent jurisdiction at the relevant time.

4. In rebuttal, learned counsel for the petitioners submits that the objections raised by the respondents are wholly misconceived. It is argued that the services of the petitioners stood duly taken over pursuant to the merger, as is evident from Annexure P-3 and P-4. Once their resignations



statutory and legal obligation to release their terminal benefits. The withholding of gratuity and leave encashment, despite repeated representations, is arbitrary, illegal, and unsustainable in the eyes of law.

5. Learned State counsel submits that the controversy involved in these cases can be referred to the Empowered Committee constituted by the Government of Punjab under its litigation policy.

6. I have heard learned counsel for the parties and perused the case record with their able assistance. This Court, while exercising its jurisdiction under Article 226 of the Constitution, cannot undertake a fact-finding inquiry into disputed questions of fact. The determination of several contested issues, would require a perusal of record and delving into the facts. In such cases, the High Court cannot transform itself into the court of first instance to appreciate evidence, decide intricate factual disputes or undertake an inquiry to that effect. As such, the issue involved in the present petition is required to be decided after examining the relevant record and requires adjudication of the factual dispute.

7. In *Paramjit Kaur Vs. State of Punjab and others*, CWP-7727-2025, decided on 20.03.2025, this Court issued certain directions and in compliance thereof, the Government of Punjab has constituted an Empowered Committee vide letter dated 16.04.2025. The said Committee was established under the Punjab Dispute Resolution & Litigation Policy, 2020, which aims to encourage the swift resolution of disputes, reduce future litigation, and address the considerable backlog faced by the Courts. In view of the controversy involved in the present case, this Court finds appropriate to leave the issue to be examined and decided by the Empowered Committee headed by Chief Secretary, of State of Punjab, constituted in terms of the litigation policy issued by the Government of Punjab.



8. In view of the above, the writ petition is disposed of in the following terms:

- (i) The Empowered Committee constituted under the Punjab Litigation Policy is hereby directed to treat the writ petition as a comprehensive representation and to consider and adjudicate upon the issue raised herein. In the alternative, the petitioner(s) shall be at liberty to submit their respective detailed representation(s) setting out their claim(s) within a period of two weeks from the date of receipt of a certified copy of this order.
- (ii) The Committee shall pass a reasoned and speaking order, after granting an opportunity of personal hearing to the petitioner(s), within a period of four months from the date of receipt of certified copy of this order, or from the date of receipt of the representation of the petitioner(s), as the case may be. Further, the decision taken therein shall be conveyed to the petitioner(s). Needless to say, if the petitioner(s) are found entitled to the relief sought, the same shall be granted to them forthwith.

9. The pending miscellaneous application(s), if any, shall also be disposed of.

(HARPREET SINGH BRAR)
JUDGE

04.02.2026

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| 1. Whether speaking/ reasoned : | Yes /No |
| 2. Whether reportable : | Yes /No |