



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

**Sr. No.126**

**CR-5358-2025**

**Date of Decision: 11.08.2025**

**PUNJAB STATE CIVIL SUPPLIES CORPORATION LTD. AND  
ANOTHER**

**...Petitioners**

**Versus**

**KAHAN SINGH**

**....Respondent**

**CORAM: HON'BLE MR. JUSTICE PARMOD GOYAL**

Present:- Mr. M.S. Batth, Advocate  
for the petitioners.

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**PARMOD GOYAL, J. (Oral)**

In the present case, the only dispute is with regard to the payment of balance leave encashment payable to decree holder.

Admittedly, the decree holder has been held to be entitled to leave encashment so claimed by him. It is the case of judgment debtor that at the time of retirement of petitioner, a shortfall was found in the wheat stocks and amount equivalent to shortfall was retained out of leave encashment payable to decree holder on an undertaking given by him and therefore, said amount is not payable. However, learned Executing Court has wrongly ordered payment vide impugned order dated 21.07.2025.

On perusal of file, it is clearly made out that at no point of time the judgment debtor has ever conducted any inquiry holding present decree holder liable for the shortfall. The simple case of judgment debtor is that it has already filed a civil suit seeking recovery of amount found on account of loss due to shortfall. Keeping in view the above noted fact, I do not find any



error in the order passed by the Executing Court in absence of any finding rendered by any competent authority after due service of notice upon the decree holder. As such, leave encashment due to said shortfall cannot be withheld by the judgment debtor.

However, since judgment debtor is a Public Undertaking and fact that it has already filed a suit for recovery of amount so found due to shortfall in wheat stocks, it is appropriate to secure interest of both the parties. Thus, it is accordingly ordered that the payment of balance leave encashment shall be deposited and paid to the decree holder only subject to furnishing of adequate security to the satisfaction of Executing Court and same shall be subject to the final outcome of the revocery suit filed by the judgment debtor against the decree holder.

Hence, the petition is hereby, disposed of.

**11.08.2025**

Anu

**(PARMOD GOYAL)**  
**JUDGE**

Whether speaking/reasoned : Yes/No  
Whether reportable : Yes/No