



IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

(287/3)

CWP No. 22017 of 2018 (O&M)

Date of Decision : 01.05.2025

Jaspal Singh

...Petitioner

Versus

The Punjab State Civil Supply Corporation Ltd. and others

...Respondents

CORAM: HON'BLE MR. JUSTICE HARSIMRAN SINGH SETHI

Present: Ms. Ritam Aggarwal, Advocate for the petitioner.

Mr. Anil Sharma, Advocate for respondents No. 1 and 2.

Harsimran Singh Sethi J. (Oral)

1. In the present petition, the claim of the petitioner is that the petitioner retired from service on attaining the age of superannuation on 31.08.2006 but the gratuity admissible to the petitioner was withheld and was ultimately released after a delay on 15.09.2016 hence, the petitioner is entitled for interest on the said delayed payment of gratuity.

2. Learned counsel appearing on behalf of the respondents, on the other hand, submits that at the time of retirement of the petitioner, the petitioner was facing two departmental proceedings and in both the departmental proceedings, the charges were proved and a punishment of recovery of ₹61,42,998/- was imposed upon the petitioner hence, keeping in view the settled principle of law that where the departmental proceedings are pending against an employee at the time of retirement, the gratuity can be



withheld, the claim of the petitioner that the gratuity was withheld without any valid justification has rightly not been accepted by the authorities exercising jurisdiction under the Payment of Gratuity Act, 1972 (hereinafter referred to as '1972 Act').

3. I have heard learned counsel for the parties and have gone through the record with their able assistance.

4. Once, the departmental proceedings were pending against the petitioner at the time of his retirement in which proceedings the charges were proved and punishment of recovery was also imposed, the claim of the petitioner that the gratuity was withheld without jurisdiction, cannot be accepted. As per the judgment of the Full Bench of this Court in LPA No. 113 of 2012 titled as *Punjab Civil Supplies Corporation Ltd. Vs. Pyare Lal*, decided on 11.08.2014, the employees who were facing departmental proceedings at the time of retirement, their gratuity can be withheld.

5. That being so, the orders which have been passed by the authorities exercising jurisdiction under 1972 Act, need no interference at the hands of this Court keeping in view the fact that benefit has already been granted to the petitioner.

6. Dismissed.

7. Pending miscellaneous application, if any, also stands disposed of.

May 01, 2025
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(HARSIMRAN SINGH SETHI)
JUDGE

Whether speaking/reasoned : Yes

Whether reportable : No