

**(2013) 10 P&H CK 0236**

**High Court Of Punjab And Haryana At Chandigarh**

**Case No:** C.W.P. No. 291 of 2013

Sadhu Singh

APPELLANT

Vs

The Punjab State Supply and  
Marketing Federation Limited  
and Another

RESPONDENT

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**Date of Decision:** Oct. 8, 2013

**Hon'ble Judges:** Mahesh Grover, J

**Bench:** Single Bench

**Advocate:** Jagdeep Bains, for the Appellant; Gagangeet Kaur, for the Respondent

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### **Judgement**

Mahesh Grover, J.

The petitioner prays for release of his retiral dues. He superannuated on 6.2.2012. It is the specific contention of the learned counsel for the petitioner that no disciplinary proceedings were pending against him on the date of retirement and that withholding of the benefits by the respondents is totally unjustified. Reply to the petition has been filed in which preliminary objection has been taken that 15633 bags of paddy were found to be short which were lying in M/s. Ambe Agro Rice and General Mill, Khanna and since the petitioner was a joint custodian of the paddy stocks lying there, therefore no dues certificate was withheld and this is the reason for not disbursing his retiral dues. It is further stated that arbitration proceedings are being contemplated to be initiated for recovery of Rs. 2,57,29,578/-.

After hearing the learned counsel for the parties, I am of the considered opinion that the respondents cannot withhold the retiral dues of the petitioner. Not a word has been stated in the reply that on the date of retirement there were some disciplinary proceedings pending against the petitioner. It is also not the stand of the respondents that the petitioner has been confronted with the fact of any shortage of paddy stocks lying with the miller. Without confronting the petitioner with such a material and without initiating any proceedings the respondents would have no justifiable cause to withhold the retiral dues of the petitioner merely on the

ground that they are contemplating initiation of arbitration proceedings to determine the loss. Finding no justification in the stand of the respondents, the writ petition is accepted and the respondents are directed to release the retiral dues of the petitioner as expeditiously as possible preferably within a period of four months from the date of receiving a certified copy of this order. The petitioner shall also be entitled to interest @ 7% per annum on the amount from the date when the same became due till the actual payment.