IN THE HIGH COURT OF JHARKHAND AT RANCHI

W.P. (S) No. 4903 of 2026

Abul Hasan, Aged about 68 years, S/O- Late Abdul Rahman, R/O- Village- Karja, P.O- Umrawganj P.S- Bihiya, Dist. Bhojpur, Bihar

.....**Petitioner(s)**

Versus

1. State of Jharkhand, Through the Director General of Police, Jharkhand, Having its office at Police headquarters, P.O & P.S Jagarnathpur, Dist-Ranchi
2. The Inspector General of Police, Jharkhand Armed police, Having its office at Police headquarters, P.O & P.S jagarnathpur, Dist-Ranchi
3. The Deputy Inspector General of Police, Jharkhand Armed police, Having its office at Police headquarters, P.O & P.S jagarnathpur, Dist-Ranchi
4. The Commandant, Jharkhand Armed Police, Hazaribagh, P.O, P.S & District- Hazaribagh .....**Respondent(s)**

CORAM: HON'BLE MR. JUSTICE DEEPAK ROSHAN

For the Petitioner(s) : Mr. Vishal Kumar Rai, Advocate
Mr. Harsh Ladia, Advocate
For the Respondent(s) : Mr. Kumar Pawan, A.C. to S.C.(Mines)-III

02/Dated:-12.08.2026

1. By way of filing this writ petition, the petitioner has prayed for a direction commanding upon the respondents to calculate and pay amount of full pension, full gratuity, arrears of pension, revised pension under 4th, 5th, 6th and 7th pay revision along with penal interest. Since the petitioner has superannuated on 31.01.2018 and has been acquitted from the criminal case vide order dated 30.07.2007 in S.T. No.409/1998 itself, but he is only receiving 90% provisional pension and the 10% provisional pension and gratuity has been withheld and no benefit of revision has been given to him due to pendency of criminal proceeding against him.

2. The petitioner, a havildar in Jharkhand Armed Police,

got implicated in a criminal case being Ichak P.S. Case No. 83/1997 registered under Sections 147, 148, 149, 302, 307, 323 of the Indian Penal Code and Section 27 of the Arms Act. He retired on 31.01.2018, but some part of his retirement benefits was withheld due to the ongoing criminal case. The petitioner was acquitted in the case by the Additional Sessions Judge, Hazaribagh vide order dated 30.07.2007 passed in ST no. 409 of 1998.

3. Learned counsel appearing for the petitioner submitted that the petitioner has already superannuated on 31.01.2018 from the post of Havildar under Jharkhand Armed Police. He submitted that after his superannuation no retirement benefit was paid to him on the ground that a criminal case is pending against the petitioner. He submitted that the respondent withheld 10% of pension as well as gratuity of the petitioner. He also submitted that the petitioner was acquitted in the criminal case on 30.07.2007.

4. Ld. Counsel contended that during the pendency of judicial or departmental proceeding, the pension of the petitioner cannot be withheld by the authorities.

5. Learned counsel for the respondents submitted that a criminal case was registered against the petitioner in which the charges against the petitioner are of heinous nature, however, the petitioner was acquitted by giving benefit of doubt. Against the said acquittal and acquittal appeal was also filed being Acquittal Appeal No. 24 of 2007 which is still pending before the Division

Bench of this Court. He further submitted that the petitioner acquitted was not honourable; rather he was given benefit of doubt, hence the claim of gratuity and other benefits are not tenable in the eyes of law. He submitted that the departmental proceeding bearing No. 11/99 which was initiated against the petitioner has already been concluded with a final order passed on 31.03.2021 and taking into account superannuation of petitioner on 31.01.2018, lenient punishment of forfeiture of annual increment for two years has been passed without cumulative effect equivalent to three black marks has been passed. He has further submitted that on account of pendency of acquittal appeal before this Court, D.I.G. (Budget), Jharkhand, Ranchi in the light of Finance Department's Letter No. 194/Pension & Letter No. 115 dt. 29.03.2010 alongwith provision of Bihar Pension Rules, issued direction vide Memo No. 745 dt. 26.04.2018 for withholding of 10% Pension & Gratuity.

6. From the facts and arguments of the parties, I find that the petitioner had superannuated on 31.01.2018. After superannuation, the petitioner has been paid 90% of his pension and gratuity and 10% remains due. The said 90%, which has been paid is the provisional pension and gratuity. Pension of the petitioner was not finalized and the balance has not been paid on the ground that he was implicated in a criminal case.

7. At this stage itself, it is pertinent to mention that till the criminal case was pending, the respondents were well within their jurisdiction to release 90% of pension and gratuity

provisionally. However, now it is an admitted position that the petitioner stands acquitted. Once the petitioner stands acquitted, the respondents should pay his entire pension and gratuity after finalizing the same. Pendency of acquittal appeal filed by the State or any other party cannot come in the way of finalizing the pension and gratuity of the petitioner; nor can the respondents refuse to pay full pension and gratuity to the petitioner on the ground of pendency of the acquittal appeal, that too, when there is no stay on the judgment of acquittal.

8. Since as on date the petitioner stands acquitted, the respondents are directed to pay full pension and gratuity to the petitioner, after finalizing the same on the basis of calculating/re-fixing the same in the light of the pay revision recommendations effective from time to time. The said payment should be made within 8 (eight) weeks from the date of receipt of a copy of this order.

9. This writ petition is, accordingly, allowed. Pending interlocutory applications, if any, stand disposed of.

(Deepak Roshan, J.)

AUGUST 12, 2026
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20/08/2026