

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

(215)

CWP No.15334 of 2014 (O&M)

Date of Decision:- 11.09.2015.

Rajpal Chauhan

.....Petitioner

Versus

The State of Haryana and others

.....Respondents

CORAM: HON'BLE MR. JUSTICE P.B. BAJANTHRI

1. Whether Reporters of local papers may be allowed to see the judgment?
2. To be referred to the Reporters or not?
3. Whether the judgment should be reported in the Digest?

Present: Mr. V.B.Aggarwal, Advocate for hte petitioner.

Mr. Sourabh Mohunta, DAG, Haryana.

P.B. BAJANTHRI, J.(Oral)

In this petition, the petitioner has prayed for following relief:-

"ii) to issue a writ in the nature of Mandamus directing the respondents to release the retiral benfits i.e. Pension, General Provident Fund, Gratuity, Leave Encashment and also to release the salary of the petitioner for the suspension period along with the benfit of revision of pay scales as per 5th and 6th Pay Commission along with interest from the due date etc. As detailed in Para No.8 of this writ petition;"

The petitioner while working as Block Development and Panchayat Officer, he has attained age of superannuation and retired from service on 30.11.2012. His pensionary benefits were not settled due to pendency of

criminal proceedings in FIR No. 180 dated 20.05.2004, under Sections 409, 420, 467, 468, 469 and 471 IPC. Learned Judicial Magistrate Ist Class, Kurukshetra acquitted the petitioner for the offences punishable under Sections 409/204 IPC on 04.10.2012. State of Haryana feeling aggrieved by the order of acquittal dated 04.10.2012 preferred criminal appeal No.100280 of 2013. On 25.08.2015, the said criminal appeal was dismissed devoid of merits. In these facts and circumstances, learned State counsel submitted that except gratuity rest of the retiral benefits have been granted to the petitioner. Therefore, the respondents are directed to release withheld gratuity amount to the petitioner along with interest @ 9% per annum. The respondents are directed to pass order regularizing the suspension period within 3 months from today in accordance with rules or regulation. Further to under take revision of pay scales with reference to 5th and 6th Pay Commission and to refix petitioner's pay and arrears should be paid to the petitioner within a period of 6 months from today.

The respondents are also directed to pay interest on GPF and leave encashment which was settled belatedly @ 9% per annum.

Accordingly, the writ petition is disposed of.

(P.B. BAJANTHRI)
JUDGE

September 11, 2015.

pooja saini