

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

**CWP No.9683 of 2007 (O&M)
Decided on : 10.02.2016**

Inder Raj Bhatia

... Petitioner

Versus

State of Punjab

... Respondent

CORAM : HON'BLE MR.JUSTICE G.S. SANDHAWALIA

Present : Mr. S.K. Rattan, Advocate
for the petitioner.

Mr. Avinit Avasthi, AAG, Punjab.

G.S. Sandhawalia , J. (Oral)

CM-11177-CWP-2015

Application has been filed for disposal of the case, in view of the acquittal of the petitioner, in a criminal case, vide order dated 23.05.2014 passed by the Special Court, Ludhiana.

With the consent of both the counsel, the petition which is already on Regular Board at Sr. No.1236 is taken up for hearing today itself.

Main Case

The petitioner filed the present writ petition for release of the gratuity and other retiral benefits alongwith interest @ 12% per annum, on the ground that they had been wrongly withheld and delayed, since the date of his retirement.

It is the case of the petitioner that he had retired on attaining the age of superannuation on 30.04.2006 from the post of

Panchyat Secretary. On account of the criminal proceedings pending in FIR No.22 dated 07.06.2004 lodged by the Vigilance Bureau under Prevention of Corruption Act, the retiral dues were being withheld, though provisional pension has been sanctioned vide order dated 05.02.2007 (Annexure P-1). Legal notice had also been served on 18.05.2007 (Annexure P-2), wherein interest had been sought on the delayed payment of leave encashment, CPF and other retiral dues.

The State has defended the said action by taking the plea that in view of Rule 2.2 (b) and 2.2 (c) (i) of the Punjab Civil Services Rules, Volume-II, the petitioner has been released the provisional pension, but his gratuity has been withheld on account of the criminal prosecution and his involvement in a embezzlement case. He had thereafter attained the age of superannuation and therefore, was not entitled for full pension and release of the gratuity amount on account of the abovesaid Rules and other benefits would be considered in the light of the findings of the criminal Court.

The petitioner has now placed on record copy of the judgment passed by the Special Judge, Ludhiana, whereby he has been acquitted on 23.05.2014 (Annexure A-1). The clarification was thereafter ordered also on 01.08.2014, whereby the name of the accused was clarified as Inder Raj Bhatia by the Special Court.

Thus, it is apparent from the above that the reason for withholding the gratuity no longer survives with the State, in view of the acquittal. However, nothing could be shown that the petitioner has made any such representation to the State to show that he had been acquitted.

Accordingly, the present writ petition is disposed of with a direction to the competent authority, namely, Director Rural Development and Panchyat to look into the grievances of the petitioner and the legal notice dated 18.05.2007 (Annexure P-2) and pass the appropriate orders, keeping in view the acquittal of the petitioner. The said authority shall also take into consideration the entitlement of the petitioner of interest, if any, in accordance with law.

Needful be done within a period of 2 months from the receipt of the certified copy of this order.

FEBRUARY 10, 2016

Naveen

**(G.S. SANDHAWALIA)
JUDGE**