

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CWP-15251-2014 (O&M)
Date of decision: 15.11.2016

Kishan Chand

.....Petitioner

versus

The State of Haryana and others

.....Respondents

CORAM: Hon'ble Mr.Justice Kuldip Singh

Present: Mr.Neeraj Gupta, Advocate for the petitioner
Mr.Naveen Sheoran, DAG Haryana

- 1. Whether Reporters of Local Newspapers 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?*

Kuldip Singh, J. (Oral)

Petitioner retired as Social Education and Panchayat Officer, Farook Nagar from the respondent department on 31.5.2013 on attaining age of superannuation vide order dated 23/24.5.2013 (Annexure P2) subject to the result of FIR No.81 dated 25.5.2010 under Sections 409, 120-B IPC pending against him.

It comes out that during the service of the petitioner, the said FIR was registered against him. The petitioner seeks release of the gratuity and commuted value of the pension, which has been withheld.

Respondents have not denied that the said retiral benefits were withheld only on account of the said FIR.

Learned counsel for the petitioner has placed on file a copy of the judgment dated 2.2.2016, passed by learned Judicial Magistrate 1st Class, Gurgaon, vide which, the petitioner has been acquitted in the said FIR. A copy of the judgment is taken on record.

In view of the fact that the petitioner has been acquitted in the said FIR, the remaining retiral benefits in the shape of gratuity and commuted value of pension are ordered to be released within two months from the date of receipt of a certified copy of this order.

In view of above, present writ petition stands allowed.

15.11.2016

gk

**(Kuldip Singh)
Judge**

Whether speaking/ reasoned:

Yes

Whether Reportable:

No