

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

Sr. No.114

CWP No.8930 of 2016

Date of decision: 23.05.2016

Suraj Bhan

....Petitioner

versus

State of Haryana and another

....Respondents

CORAM: HON'BLE MR. JUSTICE DEEPAK SIBAL

Present: Mr. Sushil Jain, Advocate,
for the petitioner.

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DEEPAK SIBAL, J. (Oral)

The present petition has been filed with a dual prayer, firstly, for the release of retiral benefits to the petitioner and secondly, seeking quashing of charge-sheet dated 01.07.2015 (Annexure P-8) which has been issued to the petitioner on his conviction under the Prevention of Corruption Act, 1988 (hereinafter referred to as 'the 1988 Act').

A few relevant facts which may be noticed are that while the petitioner was serving as a Patwari in the Revenue Department, Haryana, an FIR No.3 dated 13.01.2012 under Section 7/13 of the 1988 Act, was lodged against the petitioner by the State Vigilance Bureau, Gurgaon in connection with which the petitioner was arrested and suspended. During the pendency of the trial, on attaining the age of superannuation, the petitioner retired on 31.08.2013. However in his order of retirement a condition was imposed to the effect that the petitioner's retirement would abide by the outcome of the criminal case pending against him. No challenge was made by the

petitioner to the imposition of such a condition. Through order dated 31.01.2014, the petitioner was convicted which conviction was challenged by him by way of an appeal before this Court, which stands admitted. During the pendency of the appeal, the sentence of the petitioner has been suspended.

On being convicted, the petitioner has been issued the impugned charge-sheet dated 01.07.2015 (Annexure P-8). Without filing a reply thereto, the petitioner has rushed to this Court for the relief as mentioned above.

Taking the second prayer first, which is of quashing of charge-sheet dated 01.07.2015 (Annexure P-8), I find the present petition to be premature. The right course for the petitioner is to file reply to the charge-sheet and then to await the decision of the competent authority thereupon.

In view of the above, qua the afore-referred prayer of the petitioner, at this stage, I am not inclined to interfere.

So far as the first prayer with regard to release of the petitioner's retiral benefits is concerned, since the petitioner is a retired employee, the writ petition is disposed of with the direction to the respondents to take a final decision on the afore-referred impugned charge-sheet expeditiously but not later than two months from the date of receipt of a certified copy of this order and after the decision on the same is arrived at, the issue with regard to release of the retiral dues of the petitioner would be considered and a final decision thereupon be taken within one month thereafter.

(DEEPAK SIBAL)
JUDGE

May 23, 2016

Jyoti I