

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

Sr. No.745

Civil Writ Petition No.4724 of 2000 (O&M)
DECIDED ON: October 25, 2017

HARISH CHANDER ARORA

..PETITIONER

VERSUS

STATE OF HARYANA AND OTHERS

...RESPONDENTS

CORAM: HON'BLE MR. JUSTICE JASPAL SINGH

Present: None for the petitioner.

Mr. Saurabh Girdhar, Assistant Advocate General, Haryana.

JASPAL SINGH, J. (ORAL)

Originally, the petitioner by way of filing the petition under under Article 226/227 of the Constitution of India sought the issuance of a writ in the nature of mandamus, directing the respondents to release the retiral benefits i.e. Gratuity and Commutation of Pension.

2. However, vide order dated October 06, 2000 passed by the Division Bench of this Court, it was observed that the only surviving dispute between the parties remains in respect of gratuity.

3. Undisputably, petitioner stood retired on attaining the age of superannuation on October 31, 1998. However during his service, FIR No. 21, dated December 17, 1993, under Sections 409, 420, 468, 471, 120-B IPC, registered at State Vigilance Bureau, against the petitioner, in which, he stood acquitted of the charges vide judgment dated January 25, 2003

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passed by learned Judicial Magistrate, Ist Class, Sirsa. However, after his retirement, an amount of DCRG on account of recovery of alleged embezzled amount was withheld. Out of said amount of DCRG, an amount of Rs1,04,819/- was disbursed to the petitioner on May 16, 2001 whereas remaining amount of gratuity was released/dispursed to the petitioner on July 01, 2008 i.e. to the tune of Rs.1,63,389/-. Subsequent thereto, even an amount calculated @ 6% per annum on the delayed payment of DCRG was also paid to the petitioner on March 19, 2014 to the tune of Rs.1,60,589/- which fact is evident from the letter dated June 10, 2008 (R-1) as well as copy of voucher No.124 dated March 19, 2014 (R-2). Thus, relief claimed by the petitioner through present civil writ petition stood already granted Hence, no further cause of action survives to proceed with instant petition.

4. Accordingly, instant petition is disposed of as having become infructuous.

October 25, 2017

Ankur

**(JASPAL SINGH)
JUDGE**

**Whether speaking/reasoned
Whether reportable**

**Yes
Yes/No**