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IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CWP No. 21571 of 2014 (O/M)
Date of decision : 30.3.2017

Krishna Devi

..... Petitioner (s)

Versus

State of Haryana and others

..... Respondent (s)

CORAM : HON'BLE MR. JUSTICE KULDIP SINGH

Present:- Mr. Gaurav Mohunta, Advocate, for the petitioner.

Mr. Naveen Sheoran, Deputy Advocate General, Haryana.

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

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KULDIP SINGH J. (ORAL)

The petitioner was working as a PTI Instructor in respondent No. 3 school under the Education Department of State of Haryana since 15.2.1979. She was granted the benefit of first and second ACP Scheme on completion of 10 and 20 years of service and also granted the new pay scales with effect from 1.1.2006. The petitioner was to superannuate on 31.5.2012. However, she worked upto 31.3.2013 when the academic session was to end. It also comes out that during her service, the petitioner was booked in an FIR for assaulting the principal of the school. FIR No. 112, dated 27.4.2000, was registered against her under Sections 332, 342, 353 and 506 IPC at Police Station Hansi, District Hisar. Vide judgment of conviction and order of sentence dated 8/10.11.2008 (Annexure-P-1), passed by the learned Sub Divisional Judicial Magistrate, Hansi, the petitioner was convicted under Sections 332, 342, 353 and 506 IPC and

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sentenced to undergo various imprisonments, ranging from rigorous imprisonment from 1 year to 3 years alongwith fine. However, in an appeal, the learned Additional Sessions Judge, Hisar, vide judgment dated 15.2.2012 (Annexure-P-2), while upholding the conviction, reduced the sentences, ranging from 6 months to 1 years, while maintaining the fine. Against the said judgment of the learned Additional Sessions Judge, Hisar, a revision is pending before this Court bearing No. CRR-539-2012, which is lying admitted.

Initially, the petitioner had claimed several retiral benefits. However, it was noticed in the order passed by this Court on 13.12.2016 that the pension has been released and now the claim is only for (i) grant of third ACP; (ii) grant of medical reimbursement; (iii) grant of DCRG and (iv) grant of salary for the extended period of service.

So far as the salary is concerned, since the petitioner had worked upto 31.3.2013, respondents are directed to release the salary alongwith interest on the delayed payment at the rate of 9% per annum till the date of payment.

So far as the benefit of third ACP is concerned, the petitioner was granted the benefit of first and second ACP on completion of 10 and 20 years respectively of service on account of her satisfactory service. Therefore, respondents are directed to consider her case for grant of benefit of third ACP and decide the same within two months from the date of receipt of certified copy of this order without considering the pendency of criminal case since the same has nothing to do with the grant of benefit of third ACP.

Regarding the DCRG, it is stated that the same has been

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withheld on account of pendency of a criminal case. It comes out that under Rule 9.15 (c) of the Punjab Civil Services Rules (as applicable to the State of Haryana), in case of pendency of criminal proceedings, the Government is competent to withhold the DCRG.

The Division Bench judgment of this Court in Manohar Singh Versus Punjab State Electricity Board and others, 2006 (2) SCT 103, produced by the learned counsel for the petitioner in Court today, is regarding the fact when the proceedings under Rule 2.2 (b) of the Punjab Civil Services Rules are initiated. Hence, the State Government is competent to withhold the DCRG till the criminal case is finally decided.

Now, coming to the medical reimbursement, it comes out that the Haryana Government, vide instructions dated 11.12.2003, had laid down that the medical bills are to be submitted by the Government servant within one year after the completion of the treatment. The petitioner had taken the treatment in the year 2012, whereas she had submitted the medical bills in the year 2015 i.e. after three years. Therefore, the same are time barred and cannot be reimbursed at the later stage.

The present writ petition is disposed of in the abovenoted terms.

(KULDIP SINGH)
JUDGE

30.3.2017
sjks

Whether speaking / reasoned : Yes

Whether Reportable : No