

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

**CWP No. 25820 of 2016 (O&M)
DECIDED ON: SEPTEMBER 21, 2017**

MUNICIPAL COUNCIL, SIRSA

.....PETITIONER

VERSUS

SURESH CHANDER SINGLA & OTHERS

.....RESPONDENTS

CORAM: HON'BLE MR. JUSTICE JASPAL SINGH

Present: Mr. Padamkant Dwivedi, Advocate
for the petitioner.

Mr. B.S. Mittal, Advocate
for respondent No.1.

Mr. Charanjit Singh Bakshi, Addl. AG, Haryana.
for respondents No.2 and 3.

JASPAL SINGH, J

Challenge in this writ petition is to the order May 04, 2016 (P-6) passed by respondent No.2 whereby, order dated July 27, 2015 (P-4) passed by respondent No.3 was nullified vide which the gratuity amount due to respondent No.1-Suresh Chand Singla was ordered to be withheld till the conclusion of judicial proceedings pending against him.

2. Undisputably, vide order dated July 27, 2015 (P-4) passed by respondent respondent No.3 the gratuity amount payable to respondent No.1-

Suresh Chand Singla was ordered to be withheld till the conclusion of judicial proceedings, which has since been set aside vide order dated May 04, 2016 (P-6) passed by Principal Secretary to Govt. of Haryana, Urban Local Bodies Department.

3. In the instant case, FIR No.4, dated April 12, 1997, under Section 420, 468, 471 and 120-B IPC and 13(1)(d) of Prevention of Corruption Act was registered at Police Station State Vigilance Bureau, Hisar. Initially, respondent No.1 was not an accused in the afore-said FIR. Neither any report under Section 173(2) Cr.P.C. was preferred nor any proceedings were initiated. Respondent No.1 was arrayed as an accused in the afore-said FIR even after about 14 years of its registration. Subsequently, he was served with the charge sheet dated August 02, 2013, which also stood culminated with warning to remain vigilant in future. Those proceedings were also stood culminated after passing of order dated July 27, 2015 (P-4). The co-accused of respondent No.1 who also retired have already been given all the retiral benefits. Thus, respondent No.2 has rightly concluded vide his order dated May 04, 2016 (P-6) that there is no justification to withhold the amount of gratuity of respondent No.1.

4. As far as the registration of FIR referred to above is concerned, that is also no ground to withhold the gratuity amount because no challan or report under Section 173(2) Cr.P.C. was presented. Thus, it cannot be said that any criminal/judicial proceedings are pending against respondent No.1. The impugned order dated May 04, 2016 (P-6) does not suffer from any illegality, infirmity or impropriety. Rather, this Court is of the considered view that the

same is absolutely in consonance with the legal proposition and settled canons of law and does not require any interference by this Court.

5. In the light of what has been discussed above, this Court does not find any merit in the instant petition. Accordingly, it stands dismissed whereby, impugned order dated May 04, 2016 (P-6) is upheld.

6. No order as to costs.

SEPTEMBER 21, 2017
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(JASPAL SINGH)
JUDGE

<i>Whether speaking/reasoned</i>	<i>Yes/No</i>
<i>Whether reportable</i>	<i>Yes/No</i>