

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

**CWP No. 29078 of 2017
DECIDED ON: DECEMBER 19, 2017**

RAM PARKASH

.....PETITIONER

VERSUS

STATE OF HARYANA & ORS.

.....RESPONDENTS

CORAM: HON'BLE MR. JUSTICE JASPAL SINGH

Present: Mr. Durga Dutt Sharma, Advocate
 for the petitioner.

JASPAL SINGH, J (ORAL)

By virtue of instant petition preferred under Articles 226/227 of the Constitution of India, petitioner has sought a writ in the nature of mandamus directing the respondents to release his gratuity as well as to grant him the benefit of ACP after the completion of 10 years service along-with interest @ 12% per annum on the delayed payment(s).

2. Learned counsel for the petitioner has submitted that a criminal case bearing FIR No. 8, under Sections 420, 467, 468 and 471 IPC was got registered against the petitioner at Police Station SVB Hisar on August 02, 2010. On account of which, the amount of gratuity to which the petitioner is legally entitled was withheld. Similarly ACP scale, after the completion of 10 years of his service, was also not granted to the petitioner. But subsequently, the petitioner stood acquitted in the above-referred criminal case vide judgment dated August 23, 2016 passed by JMIC, Sirsa. An appeal preferred challenging the acquittal of the petitioner by the State of Haryana was also dismissed vide judgment dated April 24, 2017 passed by Additional Sessions Judge, Sirsa.

Subsequent thereto, petitioner moved a representation/request dated May 05, 2017 (P-4) for the release of the amount of gratuity as well as ACP scale. Accordingly, the matter was taken up by Block Development and Panchayat Officer, Dabwali with the Director, Department of Development and Panchayat, Haryana, for the release of ACP scale as well as amount of gratuity to the petitioner. Though a period of more than 7 months has already been expired from the date, the recommendations were made by the BDPO, Dabwali to the Director, Development and Panchayat, Haryana. Yet, no conscious decision has not so far been taken by the authorities.

3. Learned counsel for the petitioner further submits that he feels satisfied in case a direction is issued to respondent No.1 to consider the case of petitioner within some stipulated period.

4. Taking into consideration the afore-said aspects but without taking any opinion on the merits of the case, instant petition is disposed of with a direction to respondent No.1 to consider the case of the petitioner as forwarded to it by BDPO, Dabwali vide letter dated November 02, 2017 within a period of two months positively from the date of receipt of certified copy of this order and to release the benefits to the petitioner, if it comes to the conclusion that there is no impediment legal or otherwise.

5. However, if the petitioner still feels aggrieved by any order of afore-said authority, he shall be at liberty to approach this Court.

DECEMBER 19, 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>