

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

**CWP No. 1871 of 2015
DECIDED ON: MARCH 14, 2018**

BHARAT SINGH

.....PETITIONER

VERSUS

STATE OF HARYANA AND OTHERS

.....RESPONDENTS

CORAM: HON'BLE MR. JUSTICE JASPAL SINGH

Present: Mr. Pardeep Solath, Advocate
 for the petitioner.

Mr. RKS Brar, Addl. AG, Haryana.

JASPAL SINGH, J (ORAL)

By virtue of instant petition preferred under Articles 226/227 of the Constitution of India, petitioner has sought for the issuance of a writ in the nature of certiorari to quash the impugned order dated 11.02.2014 (P-3) passed by respondent No.4 whereby, DCRG and commutation of pension accrued to him has been withheld with further direction to issue a writ in the nature of mandamus directing the respondents to release him all retiral benefits accrued to him on account of his retirement.

Concededly, petitioner joined Haryana Police as Constable on

24.03.1977 in District Kurukshetra. He was promoted as HC, ASI and SI. Finally he got superannuated on 30.09.2013. However, prior to his retirement a criminal case bearing FIR No. 77, dated 16.03.2013, under Section 498, 406, 323, 506 and 34 IPC was registered at Police Station Mahesh Nagar, Ambala, against him and his family members and on account of pendency of the said criminal case, DCRG as well as commutation of pension were withheld. While passing the impugned order dated 11.02.2014 (P-3) the afore-said facts were not disputed by the respondents.

3. A similar controversy as is involved in the instant case, came up for hearing before this Court in the case of **Joginder Singh vs. State of Punjab and others; 2018 (1) SCT 588;** and after having discussed the various judgments the Court concluded that it is well settled proposition of law while withholding of Gratuity, commutation of pension and regular pension on account of conviction in criminal case, under Rule 2.2 (a) and 2.2 (b) of Punjab Civil Services Rules, Volume-II, respondents are within their jurisdiction to pass any order with regard to withholding or stoppage of provisional pension/regular pension and in consequence thereof, commutation of pension but not authorized to withhold DCRG for commission for any offence or conviction. Thus, in the instant petition amount accrued to the petitioner on account of DCRG has been withheld vide impugned order, which is impermissible. As such, case of the petition stands fully covered under the guidelines laid down by this Court in Joginder Singh's case (supra).

4. In view of afore-stated facts, instant petition is disposed of with a direction to respondents to release the amount accrued to the petitioner on

account of DCRG along-with 9% interest after the expiry of three months period from the date of his retirement, within a period of three months from the date of receipt of certified copy of this order. At the same time, a liberty is also granted to the respondents to initiate the proceedings under Rule 2.2 (a) and 2.2 (b) of PCSR, Volume II and to pass an appropriate order, as they deem fit. In case the afore-said order is not complied with within stipulated period or petitioner still aggrieved by any of the orders passed by the authorities, he shall be at liberty to have recourse to other remedies available to him under law, including to approach this Court.

MARCH 14, 2018
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(JASPAL SINGH)
JUDGE

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