

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

CWP-17140-2015

Date of decision: - 26.11.2019

Om Pal Singh Panwar

....Petitioner

Versus

State of Haryana and another

.....Respondents

CORAM : HON'BLE MR. JUSTICE HARSIMRAN SINGH SETHI

Present:- Mr. Jai Bhagwan Sharma, Advocate
for the petitioner.

Ms. Safia Gupta, Assistant Advocate General, Haryana.

Mr. Vikram Kumar, Advocate
for Ms. Aanchal Thakur, Advocate
for respondent No.2.

HARSIMRAN SINGH SETHI, J. (ORAL)

The grievance which is being raised in the present writ petition is that gratuity of the petitioner has been withheld due to the pendency of an FIR No.1025 dated 05.12.2013, which was registered against him after his retirement as he retired on 30.11.2013.

Learned counsel for the petitioner states that petitioner has already been acquitted by the competent Court of Law in the said FIR and therefore, now there is no impediment in the release of the gratuity, which was withheld by the respondents even after his retirement.

Learned counsel for the respondents, on being asked whether there is any impediment in the release of the gratuity, he is unable to point out to this Court any impediment except that an appeal against the acquittal is pending. The appeal against the acquittal cannot be treated as an impediment as the petitioner has already been acquitted in respect of the allegations alleged in FIR No.1025 dated 05.12.2013.

Once, there is no impediment in the release of the pensionary benefits especially gratuity, the respondents are directed to consider the claim of the petitioner for the release of the gratuity in view of the facts and circumstances as it exists now and pass an appropriate order within a period of three months from the date of receipt of certified copy of this order. In case, there is no impediment in the release of the gratuity, the same shall be released to the petitioner within a period of one month of the passing order. Further, while passing an order, the respondents shall also consider the claim of the petitioner for the grant of interest on the payments, which are to be released now on the ground that on the date when the petitioner retired, there was no impediment in the release of the gratuity as the above-said FIR was registered after his retirement.

Present writ petition stands disposed of in the above terms.

(HARSIMRAN SINGH SETHI)
JUDGE

November 26, 2019
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Whether reasoned/speaking?	Yes
Whether reportable?	No