

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CWP-397-2016

Date of decision: - 18.07.2019

Kulwant Singh

....Petitioner

Versus

State of Punjab and others

.....Respondents

CORAM : HON'BLE MR. JUSTICE HARSIMRAN SINGH SETHI

Present:- Mr. V.K. Sandhir, Advocate, for the petitioner.

Mr. Vikas Mohan Gupta, Addl. Advocate General, Punjab.

HARSIMRAN SINGH SETHI, J. (ORAL)

In the present writ petition, the challenge is to the order dated 25.08.2005 (Annexure P-4) by which the claim of the petitioner for the release of the gratuity, which was being withheld due to the pendency of a vigilance case, was declined.

As per the averments made in the present writ petition, petitioner joined the Excise Department as a Clerk in 1987 and ultimately, he retired as a Taxation Inspector on 31.03.2005. While petitioner was working in the department, a case under the Prevention of Corruption Act was registered against him in the year 2000 and he was convicted under the said case in the year 2007. In an appeal preferred against the said conviction, the sentence was reduced to one year by this Court in May, 2014.

Counsel for the petitioner argues that respondents have withheld the gratuity of the petitioner due to the pendency of the said proceedings, but the same has not been released even after the said criminal proceedings have concluded.

Counsel for the petitioner prays that after the proceedings in respect of the criminal case have concluded, the respondents are under obligation to pass appropriate orders with regard to the release of gratuity for which the petitioner is entitled for keeping in view the rules governing the service.

Counsel for respondents states that as the proceedings in respect of the criminal case pending against the petitioner have already come to end now, hence, an appropriate order in respect of the release of the gratuity of the petitioner will be passed within a period of two months from the date of receipt of certified copy of this order and in case the petitioner is found entitled for any monetary benefit, the same will also be released to him within a period of one month thereafter.

Counsel for the petitioner states that keeping in view the statement given by the counsel for the respondents, he does not want to press the present writ petition any further and prays that the same may be disposed of, as such.

Disposed of, as not pressed.

(HARSIMRAN SINGH SETHI)
JUDGE

July 18, 2019
naresh.k

Whether reasoned/speaking?
Whether reportable?

Yes
No