

**Rattan Singh and others
Vs.
The State of Haryana and others**

Present: Mr. R.N. Lohan, Advocate
for the applicant-petitioners.

Ms. Safia Gupta, Assistant Advocate General, Haryana.

Present review application has been filed for reviewing the order dated 13.08.2019, by which the present writ petition was dismissed.

In the writ petition, the claim of the petitioners was that though they have already retired from their services in June, 2008, January 2010 and March, 2013 respectively but their pensionary benefits such as commutation of pension and gratuity are not being released by the respondents only due to the pendency of an FIR No. 100 dated 07.04.2005, which was later on renumbered by the Central Bureau of Investigation as FIR No. 13 of 2008, which act of the respondents is contrary to the law and the rules governing the service. The prayer of the petitioners was for issuance of the direction to the respondents to release their commutation of pension and gratuity forthwith.

This Court vide order dated 13.08.2019 keeping in view the facts, which were already on record, dismissed the writ petition stating that the respondents were well within their right to withhold the commutation of their pension and gratuity keeping in view the pendency of FIR No. 100 dated 07.04.2005, which was later on renumbered by the Central Bureau of Investigation as FIR No. 13 of 2008 FIR No. 13 of 2008 and nothing was brought on record to show that the proceedings in respect of the said FIR have already come to an end.

By this review application, learned counsel for the applicant-petitioners argues that in respect of FIR No. 100 dated 07.04.2005, which was later on renumbered by the Central Bureau of Investigation as FIR No. 13 of 2008, petitioners were convicted and sentenced to undergo imprisonment. Against the said order of conviction, an appeal was preferred by the applicant-petitioners, which came to be decided on 30.08.2018, wherein, the conviction has been maintained but they have been released under Section 4 of the Probation of Offenders Act. The judgment in appeal has been attached as Annexure A-2 with the review application. Learned counsel for the applicant-petitioners further argues that once the proceedings in respect of FIR No. 100 dated 07.04.2005, which was later on renumbered by the Central Bureau of Investigation as FIR No. 13 of 2008 have come to an end, respondents are under obligation to decide the claim of the applicant-petitioners for the grant of commutation of pension as well as gratuity.

Learned counsel for the applicant-petitioners has not attached any representation which the applicant-petitioners have given about the finality of the proceedings in respect of the FIR No. 100 dated 07.04.2005, which was later on renumbered by the Central Bureau of Investigation as FIR No. 13 of 2008 to the respondents in order to claim the release of the benefits such as commutation of pension and gratuity.

Learned counsel for the applicant-petitioners states that in view of the dismissal of the writ petition, the respondents will not consider the claim of the applicant-petitioners for the release of the withheld benefits even after the culmination of the proceedings in respect of the FIR No. 100

dated 07.04.2005, which was later on renumbered by the Central Bureau of Investigation as FIR No. 13 of 2008 .

The apprehension of the applicant-petitioners are totally misplaced. Writ petition was dismissed on the ground of pendency of the proceedings against the applicant-petitioners. The respondents are bound to consider the case after the culmination of the proceedings in respect of which the pensionary benefits of the applicant-petitioners were withheld.

Learned counsel for the respondents states that in case the applicant-petitioners files any representation giving the details about culmination of the proceedings, the appropriate authority will pass appropriate speaking order deciding the claim of the applicant-petitioners for release of the pensionary benefits within a period of three months of the receipt of the said representation filed by the applicant-petitioners.

Learned counsel for the applicant-petitioners states that keeping in view the statement made on behalf of learned counsel for the respondents, no further review of the order dated 13.08.2019 is required and the review application may be disposed of having been not pressed keeping in view the statement made by learned counsel for the respondents.

Ordered accordingly.

September 18, 2019
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(HARSIMRAN SINGH SETHI)
JUDGE