

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

**CWP-25998-2015 (O&M)
Date of Decision:11.02.2020**

Gurcharan Singh

... Petitioner

Versus

State of Punjab & others

... Respondents

CORAM:- HON'BLE MR. JUSTICE TEJINDER SINGH DHINDSA.

Present:- Mr. K.S. Sidhu, Advocate for the petitioner.

Mr. TPS Chawla, DAG, Punjab.

....

TEJINDER SINGH DHINDSA, J. (ORAL)

Petitioner who was serving on the post of Inspector under the Punjab Police retired on 31.07.2015 upon attaining the age of superannuation.

Grievance raised in the instant writ petition is that till date the complete retiral benefits have not been released to him.

During the course of hearing, it has transpired that the benefits of computation of pension, gratuity as also leave encashment have been denied only on account of pendency of a cross case registered under Sections 302/120-B IPC and Sections 25/27/54/59 of the Arms Act.

It has gone uncontroverted that in the cross case, petitioner had been found innocent. Learned State counsel upon instructions from ASI Bhupinder Singh, Police Station Sadar Faridkot submits that a subsequent second inquiry was also made and in which also a cancellation has been filed.

In other words, the conceded factual premise is that the petitioner has never been challaned insofar as the cross case is concerned.

Under law, there would be no basis for the State to have withheld the admissible retiral benefits.

In the reply filed on behalf of respondents No.1 to 3, the following pensionary benefits are stated to have been paid to the petitioner:

*“1. G.I.S. Saving = Rs.49940/- vide Bill No.461
dated 24.08.2015*

*2. Final payment of GPF = Rs.9,51,070/- vide Bill No.941
dated 03.02.2016*

*3. Provisional Pension = Rs.21,189/- being paid w.e.f.
01.08.2015 continuously.”*

Writ petition is allowed. Directions are issued for release of the balance admissible retiral benefits to the petitioner within a period of six weeks from today.

Disposed of.

11.02.2020

harjeet

**(TEJINDER SINGH DHINDSA)
JUDGE**

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|-----|----------------------------|--------|
| i) | Whether speaking/reasoned? | Yes/No |
| ii) | Whether reportable? | Yes/No |