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

**CWP-22363-2020 (O&M)**  
**Date of Decision: 07.12.2023**

Dalbir Singh Rana

. . . . Petitioner

**Vs.**

State of Punjab and others

. . . . Respondents

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**CORAM: HON'BLE MR. JUSTICE SANJEEV PRAKASH SHARMA**

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Present: Mr. Prateek Pandit, Advocate,  
for the petitioner.

Mr. Paramjit Batta, Addl. A.G., Punjab.

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**SANJEEV PRAKASH SHARMA, J.(Oral)**

**CM-6005-CWP-2022 and CM-6006-CWP-2022**

Applications for making amendment in the writ petition and placing on record order dated 16.07.2021 as Annexure P-20 are allowed.

**Main case**

1. Taking into consideration the short point involved, both the counsel were heard on merits of the case.
2. Learned counsel for the petitioner submits that while the petitioner has been granted retiral benefits during the pendency of the writ petition, but the pension being paid to him is only provisional upto 90% of the actual payment required to be made. The gratuity of the petitioner has also been withheld. The only reason coming forward on behalf of the respondents/State is that the State has chosen to file an appeal against the acquittal of petitioner in the criminal case registered against him under sections 223, 224, 120-B, 452, 457, 121, 121-A, 123, 217 and 221 IPC.

3. It is admitted position that the petitioner suffered trial in the said criminal case and has been honorably acquitted. In the departmental proceedings, the proceedings have been dropped.
4. In these circumstances, after retirement, the question arises whether the respondents can withhold the gratuity as well as the regular pension of the petitioner. The issue is no more *res integra* as Coordinate Benches of this Court in *Dinesh Saini and others vs. Punjab Financial Corporation in CWP-28298-2013, decided on 16.03.2023, Aneep Dewan vs. The Punjab Financial Corporation in CWP-16403-2010, decided on 03.02.2012, Faquir Chand vs. State of Haryana and others in CWP-3177-2009, decided on 13.11.2009*, have held that the pendency of criminal appeal against acquittal cannot be a ground to withhold retiral benefits or pension or gratuity.
5. The Division Benches of the various High Courts have also taken a similar view. Reference is made to judgments passed by Rajasthan High Court in the case of *State of Rajasthan and another vs. Ganesh Lal Sharma, reported in 2018(2) RLW 1243*, and judgments of Madhya Pradesh High Court in the cases of *M.L. Mittal vs. State of Madhya Pradesh and another, reported in 2022(1) SLJ 300, Ram Ratan Tiwari vs. State of M.P. and others, reported in 2003(1) SCT 116, M.P. State Civil Supplies Corporation Ltd. vs. Vinod Kumar Save, reported in 2008(4) SCT 727, Ranglal Kushwaha vs. The State of Madhya Pradesh and others in CWP-8183-2019, decided on 09.11.2021*.

6. It is also informed that the judgments passed by the Coordinate Benches were tested in LPAs before this Court, and the LPAs have also been dismissed.
7. Keeping in view the settled law as above, this Court allows this writ petition and sets aside the decision of the respondents (Annexure P-20) not to release the gratuity and the regular pension on the ground of pendency of appeal preferred by the Chandigarh Administration.
8. The respondents are therefore directed to now release the same within a period of three months from the date of passing of this order. Arrears of pension shall also be made. Interest accrued on gratuity amount @9% p.a. shall also be paid to the petitioner.
9. It is also informed that the petitioner was further granted benefit of ACP. Keeping in view thereto, his pension has to be calculated and released accordingly under the Revised Pay Scale Rules applicable from time to time.
10. However, no interest shall be paid on the other retiral benefits made since there was a decision taken earlier by the respondents not to release the benefits, and therefore it cannot be said to be on the basis of any fault on the part of the respondents.
11. Writ Petition stands *allowed* accordingly.
12. All pending applications also stand disposed of.

**(SANJEEV PRAKASH SHARMA)**  
**JUDGE**

**December 07, 2023**

*Mohit goyal*

1. *Whether speaking/reasoned?*
2. *Whether reportable?*

*Yes/No*  
*Yes/No*