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IN THE HIGH COURT OF PUNJAB AND HARYANA AT  
CHANDIGARH

CM-21059-CWP-2023 in/and  
CWP-25872-2021 (O&M)

Date of Decision: 15.12.2023

Gurbachan Singh

. . . . 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. Peeush Gagneja, Advocate,  
for the applicant/petitioner.

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

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

1. Application No. CM-21059-CWP-2023 has been filed for early hearing of the main case.
2. Main case is preponed and taken on board today itself.
3. The short point involved in the present petition is with regard to withholding of the death-cum-retirement gratuity of the petitioner by respondent No.2.
4. Learned counsel submits that merely because an appeal against acquittal has been filed by the complainant in the appellate court, death-cum-retirement gratuity of the petitioner could not have been withheld.
5. Learned counsel also relies on judgments of this Court passed in the case of *in Faquir Chand vs. State of Haryana in CWP-3177-2009, decided on 13.11.2009, and Harkirat Singh vs. Principal Secretary*

*cum Financial Commissioner Revenue, Punjab and others in CWP-15006-2018, decided on 02.12.2019.*

- 6. Learned counsel for the respondents/State submits that principally the gratuity is withheld till the criminal case is finalized. However, he does not object to the judgments which have already been delivered by this Court.
- 7. Keeping in view the settled law that merely because an appeal against acquittal is pending, gratuity or retiral benefits cannot be withheld, this writ petition deserves to be allowed and is accordingly *allowed*.
- 8. The respondents are directed to release the death-cum-retirement gratuity and pay the same to the petitioner. Interest @ 9% p.a. on the said gratuity shall accrue only from the date of acquittal.
- 9. All pending applications also stand disposed of accordingly.

(SANJEEV PRAKASH SHARMA)  
JUDGE

December 15, 2023

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| 1. Whether speaking/reasoned? | Yes/No |
| 2. Whether reportable?        | Yes/No |