

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

132

CWP-1798-2024

Date of Decision:29.01.2024

Manjeet Singh

..... Petitioner

Versus

State of Punjab and others

..... Respondents

CORAM: HON'BLE MR. JUSTICE JAGMOHAN BANSAL

Present : Mr. B.S.Sidhu, Advocate
for the petitioner.

Mr. Aman Dhir, DAG, Punjab.

JAGMOHAN BANSAL, J. (Oral)

1. The petitioner through instant petition under Articles 226/227 of the Constitution of India is seeking direction to respondents to release retiral benefits including gratuity and leave encashment.
2. The petitioner from 1986 to 2022 served with respondent-Department as police officer. He retired on 31.08.2022 and is entitled to pension as well as other retiral benefits.
3. Learned counsel for the petitioner submits that the petitioner has not been released retiral benefits including gratuity and leave encashment.
4. Notice of motion.
5. Mr. Aman Dhir, DAG, Punjab, accepts notice on behalf of the respondents-State.

6. With the consent of both sides, the petition is taken up today for final disposal.

7. Learned State counsel submits that 04 departmental proceedings are pending against the petitioner and he is also facing criminal trial in 04 FIRs, thus, he cannot be released gratuity in view of full Bench judgment of this Court in **Punjab State Civil Supplies Corporation Limited and others Vs. Pyare Lal' 2012 SCC OnLine P&H 21595** and **Dr. Ishar Singh Vs. State of Punjab and another' 1993 SCC OnLine P&H 49** as well as judgment of Hon'ble Supreme Court in **'The Secretary, Local Self Government Department & Ors. Etc. Vs. K. Chandran Etc. 2022 (12) SCC 104.**

The petitioner has already been released provisional pension in terms of Rule 2.2 (b) and 2.2 (c) of Punjab Civil Service Rules, Volume II. As departmental as well as criminal proceedings are pending against the petitioner, he cannot be released gratuity.

8. On being asked, learned State counsel submits that in view of full Bench judgment of this Court in **Dr. Ishar Singh's case (supra)**, the petitioner is entitled to leave encashment and provisional pension, however, he cannot be released gratuity.

9. Faced with this, learned counsel for the petitioner submits that respondents may be directed to release his leave encashment.

10. In the wake of statement of both sides, the respondents are directed to consider claim of the petitioner qua leave encashment and pass an appropriate order within 08 weeks from today. It is made clear that the petitioner till the conclusion of departmental/criminal proceedings shall not be entitled to gratuity, however, he is entitled to

other retiral benefits as held by full Bench judgment of this Court in Dr. Ishar Singh’s case (supra).

11. Disposed of in aforesaid terms.

(JAGMOHAN BANSAL)
JUDGE

29.01.2024
anju

Whether speaking/reasoned	Yes
<i>Whether Reportable</i>	<i>No</i>