

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

141

CWP-6078-2024

Date of decision: 14.03.2024

KARAMJIT SINGH**....PETITIONER****Vs.****LIC OF INDIA AND ORS****...RESPONDENTS****CORAM: HON'BLE MR. JUSTICE JAGMOHAN BANSAL**

Present: Mr. G.S. Lalli, Advocate
for the petitioner.

Mr. Akshay Jain, Advocate
for the respondents.

JAGMOHAN BANSAL, J (ORAL)

1. The petitioner through instant petition under Articles 226/227 of the Constitution of India is seeking directions to respondents to release retrieval benefits.
2. The petitioner is a retired employee of Life Insurance Corporation of India. During his service, he was embroiled in FIR No. 66 dated 04.09.2012 under Sections 307, 323, 34 of IPC registered at Police Station Dhanaula, District Barnala. He was convicted vide judgment dated 31.10.2018 passed by the High Court. This Court vide order dated 15.07.2019 has stayed judgment of conviction. The petitioner was issued show cause notice dated 30.03.2019 calling upon him to show cause as to why he should not be terminated. In view of stay of judgment of conviction by this Court, the respondent permitted the petitioner to continue in service till retirement. The petitioner has been paid provisional pension, however, he has not been released gratuity and leave encashment.

3.

Mr. Gurinder Singh Lalli, Advocate submits that petitioner is entitled to full pension as well as other retiral dues because judgment of conviction has been stayed by this Court.
4.

Notice of motion .
5.

On the asking of Court, Mr. Akshay Jain, Advocate, accepts notice on behalf of respondents and waives service.
6.

Supreme Court in The Secretary, Local Self Government Department and Ors. Vs. K.Chandran etc., 2022 LiveLaw (SC) 285 has held that gratuity cannot be released to an employee against whom criminal proceedings are pending. A Full Bench of this Court in Dr. Ishar Singh Vs. State of Punjab and another, 1993 SCC OnLine P&H 49 has held that gratuity during the pendency of criminal proceedings cannot be released, however, employee is entitled to provisional pension and leave encashment.
7.

With the consent of both sides, the petition is hereby disposed of with a direction to respondent to decide representation dated 23.09.2022 (Annexure P-9) of the petitioner, in the light of above referred Full Bench judgment of this Court.

14.03.2024
anju

[JAGMOHAN BANSAL]
JUDGE

Whether speaking/reasoned	Yes/No
Whether reportable	Yes/No