

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

(104+239)

CM-3767-CWP-2024 in/and
CWP-25160-2021
Date of Decision : March 04, 2024

Anand Saxena

.. Petitioner

Versus

State of Haryana and others

.. Respondents

CORAM: HON'BLE MR. JUSTICE HARSIMRAN SINGH SETHI

Present: Mr. A.D.S. Jattana, Advocate, with
Mr. Mandeep Singh Gill, Advocate, for the petitioner.

Mr. Pankaj Middha, Addl. Advocate General, Haryana.

HARSIMRAN SINGH SETHI J. (ORAL)

CM-3767-CWP-2024

Present application has been filed for placing on record the documents as Annexures P-13 to P-15.

Keeping in view the averments made in the application, which are duly supported by an affidavit, the same is allowed. Annexures P-13 to P-15 are taken on record.

CWP-25160-2021

1. In the present writ petition, the grievance of the petitioner is that though the petitioner has already retired on attaining the age of superannuation by order dated 30.12.2015 w.e.f. 31.12.2015 but the petitioner has not been released certain pensionary benefits due to the

pendency of an FIR No.261 dated 21.07.2007 registered at Police Station Ambala Cantt. District Ambala.

2. Learned counsel for the petitioner submits that the petitioner has already been acquitted in the said criminal case by the competent Court of law on 29.10.2022 and as of now, there is no justification with the respondents to withhold the pensionary benefits of the petitioner and the respondents are liable to be directed to release the same forthwith without any further delay.

3. Learned counsel for the respondents submits that appropriate order on the release of the pensionary benefits of the petitioner will be passed within a period of eight weeks of the receipt of copy of this order and in case, any of the pensionary benefits is withheld, the same will be released within the above mentioned time framed.

4. Learned counsel for the petitioner submits that the petitioner was acquitted of the criminal charge on 29.10.2022 and even after expiry of one year and four months, the pensionary benefits have not been released to him and therefore, after the acquittal, the petitioner is held entitled for the grant of interest on the withheld pensionary benefits.

5. Learned counsel for the respondents submits that once there was a valid justification to withhold the benefits, the claim of interest by the petitioner is liable to be rejected.

6. It may be noticed that as per the judgment of the Full Bench of this Court in *A.S. Randhawa Vs. State of Punjab and others, 1997(3) SCT 468*, in case there is no impediment in the release of the pensionary benefits, the same are to be released within a period of two months of the retirement.

In the present case, though there was an impediment in the release of the

pensionary benefits at the time when the petitioner retired keeping in view the criminal proceedings pending but after 29.10.2022, when the petitioner was acquitted, there was no valid justification not to release the same within a period of two months of acquittal.

7. As the withheld benefits have not been released within a period of two months of acquittal, the petitioner is held entitled for interest @ 6% per annum from 01.12.2022 till the actual payment of the withheld benefits. The said interest be also paid to the petitioner while releasing the benefits.

8. The present writ petition is disposed of in above terms.

March 04, 2024
harsha

(HARSIMRAN SINGH SETHI)
JUDGE

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