

CWP-22117-2019

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IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

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CWP-22117-2019
Date of Decision: 03.04.2024

Bhola Singh ...Petitioner

Versus

State of Punjab and others ...Respondents

CORAM: HON'BLE MR. JUSTICE JAGMOHAN BANSAL

Present:- Mr. Mansur Ali, Advocate and
Ms. Amarpreet Kooner, Advocate the petitioner
Mr. Aman Dhir, Deputy Advocate General, Punjab

JAGMOHAN BANSAL, J. (Oral)

1. The petitioner through instant petition under Articles 226/227 of the Constitution of India is seeking direction to respondent No.3 to forthwith release pension and other retiral dues.
2. The petitioner is a retired police officer. During service, he was implicated in FIR No.225/2012 under Sections 120, 223, 225, 328 and 34 of Indian Penal Code, 1860 (for short 'IPC') registered at Police Station Sarai Rohilla, Delhi. During the pendency of trial, he retired on 31.01.2018. The Trial Court vide judgment dated 17.08.2018 found four persons guilty of alleged offence and vide order dated 20.08.2018 released three officers, who were in service, in terms of the Probation of Offenders Act, 1958. The petitioner had retired, thus, the Court found it appropriate to impose fine of ₹25,000/-. The respondent has withheld pension as well as other retiral dues of the petitioner. The respondent initially withheld benefits on the ground that trial is pending, however, at present dues are withheld on account of pendency of present writ petition.

3. Mr. Mansur Ali, Advocate submits that respondent has concededly withheld retiral dues of the petitioner on account of pending trial and at present after conclusion of trial, dues are withheld on account of pendency of present writ petition.
4. Mr. Aman Dhir, Deputy Advocate General, Punjab fairly concedes that as per reply and official communications, the retiral dues of the petitioner are withheld on account of pendency of present writ petition.
5. I have heard the arguments of learned counsels for both sides and perused the record with their able assistance.
6. Concededly, the petitioner along with three other police officers was implicated in afore-stated FIR and all the officers were held guilty. The officers in service were released on probation, however, petitioner was subjected to fine of ₹25,000/- because he had already retired. As trial has concluded, the respondents are bound to determine retiral dues of the petitioner. The respondent is bound to determine entitlement of the petitioner qua retiral dues in accordance with law and cannot keep pending for indefinite period.
7. In view of above discussion and findings, the present petition is disposed of with a direction to the respondents to decide question of retiral dues of the petitioner within three months from today.

(JAGMOHAN BANSAL)
JUDGE

03.04.2024
Mohit Kumar

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