

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

2024.PHHC.133532



**CWP No. 26156 of 2024
Date of Decision: 14.10.2024**

Gurmukh Singh (Retd.) DSP

....Petitioner

VS.

State of Punjab and others

....Respondents

CORAM: HON'BLE MR. JUSTICE JAGMOHAN BANSAL

Present: Mr. Arjun Dev Advocate for
Mr. Vivek K.Thakur, Advocate
for the petitioner

Mr. Aman Dhir, DAG, Punjab

JAGMOHAN BANSAL, J. (ORAL)

1. The petitioner through instant petition under Article 226 of the Constitution of India is seeking direction to respondents to release full pension and other retiral dues alongwith interest.

2. The petitioner retired from Punjab Police on 30.04.2011 as an Inspector. On the said date, an FIR No.61 dated 01.12.2009, under Sections 306, 342, 201 of IPC was pending against him at Police Station Dhilwan, District Kapurthala. He came to be acquitted by trial court on 01.08.2022. The respondents vide order dated 11.03.2024 promoted him as Deputy Superintendent of Police with effect from 31.07.2010 i.e. retrospective date. The respondents withheld his partial pension as well as gratuity on account of pending criminal case.



3. Counsel for the petitioner submits that petitioner till date has not received full pension as well as other retiral dues.

4. Mr. Aman Dhir, DAG, Punjab, who on advance notice is present in Court, submits that petitioner on account of his acquittal is entitled to 100% pension, however, he is not entitled to interest because he was acquitted on 01.08.2022. He concedes that petitioner is entitled to gratuity, if any, pending.

5. In the wake of statement of both sides, the petition stands disposed of with a direction to respondents to release full pension as well as other retiral dues, if any, pending in favour of the petitioner. It is made clear that petitioner shall not be entitled to interest on differential amount of pension, however, he shall be entitled to interest @ 7% per annum on delayed payment of gratuity which became payable on the date of his acquittal. It is further clarified that if payment is already made, the same would not entail interest. The respondents shall provide calculation sheet with respect to pension and other retiral dues to the petitioner within eight weeks from today.

(JAGMOHAN BANSAL)
JUDGE

14.10.2024
paramjit

Whether speaking/reasoned:	Yes	
Whether reportable:		No