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IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CWP-3349-2024

Date of Decision:27.02.2024

PRABHJIT SINGH

..... Petitioner

Versus

STATE OF PUNJAB AND OTHERS

..... Respondents

CORAM: HON'BLE MR. JUSTICE JAGMOHAN BANSAL

Present : Mr. Vipin Mahajan, Advocate
for the petitioner.

Mr. Aman Dhir, DAG, Punjab assisted by
ASI Ganesh Kumar.

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 pay interest on the delayed payment of retiral benefits.
2. The petitioner retired on 31.10.2015 from Punjab Police as Sub Inspector. At the time of retirement, he was facing 3 criminal cases, thus, respondent decided to release provisional pension @ 90% of entitlement. The petitioner was paid leave encashment on 17.02.2016. He came to be finally acquitted on 07.08.2019 and respondent released gratuity on 25.11.2019.
3. From the statement of learned State counsel, it is evident that petitioner was paid provisional pension as well as leave encashment well within time and gratuity of the petitioner was withheld because of pendency of criminal cases against him. The petitioner was acquitted in

all the 3 criminal cases and last judgment of acquittal was passed on 07.08.2019. As soon as petitioner was acquitted, his case of gratuity was processed and he was paid on 25.11.2019.

4. The respondent paid provisional pension @ 90% as well as leave encashment within short span from the date of retirement of the petitioner and he was paid gratuity as soon as he was acquitted in all the pending FIRs. There is no delay on the part of the respondent rather Court finds that State had acted in a very fair and reasonable manner. Despite pendency of 3 criminal cases, the petitioner was released leave encashment as well as 90% of pension. There is no lapse on the part of State, thus, claim of petitioner *qua* interest is not sustainable.

5. In the wake of above discussion and finding, this Court does not find any merit in the present petition and accordingly dismissed.

(JAGMOHAN BANSAL)
JUDGE

27.02.2024
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Whether speaking/reasoned	Yes/No
<i>Whether Reportable</i>	<i>Yes/No</i>