

IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

223

LPA-1658-2018 (O&M)
Date of Decision: April 03, 2024

State of Haryana and othersAppellant(s)

Vs.

Bharat SinghRespondent(s)

CORAM: HON'BLE MR. JUSTICE SANJEEV PRAKASH SHARMA
HON'BLE MRS. JUSTICE SUDEEPTI SHARMA

Present: Mr. Hitesh Pandit, Addl. A.G., Haryana
Mr. Pardeep Solath, Advocate for the respondent

SANJEEV PRAKASH SHARMA.J. (ORAL)

Learned counsel for the appellants fairly states that issue raised in the present writ petition has become academic as to whether Death-cum-Retirement Gratuity (DCRG) could be held of the respondent after retirement because the respondent has been subsequently acquitted in the criminal case.

2. Keeping in view thereto, learned counsel for the respondent submits that the direction be issued to the Civil Judge for releasing the gratuity amount. However, learned counsel submits that the gratuity of Government servant can be withheld if criminal case or departmental proceedings are pending against him. It is submitted that if charge-sheet has been filed before the competent Court, the State is competent to with-hold the gratuity amount.

3. Learned counsel appearing on behalf of the respondent submits that the respondent has been acquitted of the charges now, as such he may be entitled for all his retiral benefits including the gratuity.

4. Having noticed the aforesaid facts, leaving the question open with regard to the issue as to whether the DCRG can be released to a person against whom a criminal case or departmental proceedings are pending, we allow the respondent to receive the benefits of gratuity alongwith interest @ 09 per cent per annum and the same shall be released within a period of two months henceforth. The other retiral dues which the petitioner is receiving shall be continued. The other benefits as admissible shall also be released in favour of the respondent.
5. With the aforesaid observations, the present LPA is disposed of.
6. All pending applications, if any, stand disposed of.

(SANJEEV PRAKASH SHARMA)
JUDGE

(SUDEEPTI SHARMA)
JUDGE

April 03, 2024
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Whether speaking/reasoned:	Speaking
Whether reportable:	Yes / No