



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

CWP-25231-2024

Date of Decision: 22.08.2025

Jeet Singh

...Petitioner

Versus

State of Haryana and Others

...Respondents

CORAM:- HON'BLE MR. JUSTICE JAGMOHAN BANSAL

Present:- Mr. Parminder Singh, Advocate
for the petitioner.

Mr. Suneel Ranga, DAG, Haryana.

JAGMOHAN BANSAL, J. (ORAL)

1. The petitioner through instant petition under Articles 226/227 of the Constitution of India is seeking setting aside of order dated 30.04.2024 (Annexure P-7) whereby his request for release of gratuity and commutation of pension has been declined.

2. The petitioner on 31.03.2023 retired as Sub Inspector (Exemptee) from the Office of respondent on attaining the age of superannuation. During his service, he was implicated in FIR No.108 dated 12.05.2015 registered under Section 7 of Prevention of Corruption Act, 1988 at Police Station Ladwa. He faced trial and came to be acquitted by trial Court. The respondent-department has preferred an appeal against judgment of acquittal before this Court. The appeal is pending before this Court since 2019. The petitioner was subjected to departmental proceedings during the pendency of criminal proceedings. He vide order dated 04.01.2017 was awarded punishment of reversion

from the rank of Assistant Sub Inspector (ASI) to Head Constable (HC). He preferred an appeal before Appellate Authority which vide order dated 24.02.2020 allowed his appeal and set aside order of punishment with consequential benefits. The respondent has denied release of gratuity and commutation of pension on the ground of pendency of criminal appeal against acquittal.

3. Mr. Parminder Singh, Advocate submits that as on day, petitioner stands acquitted. The benefit of gratuity can be held in case of conviction or pendency of criminal proceedings. As on day, neither petitioner is facing trial nor stands convicted. He cannot be denied benefit of gratuity and commutation of pension. He is ready to furnish security to secure interest of respondent.

4. Mr. Suneel Ranga, DAG, Haryana submits that as per Rule 81 of Haryana Civil Services (Pension) Rules, 2016 (for short '2016 Rules'), the petitioner cannot be paid gratuity and commuted value of pension until the conclusion of judicial proceedings.

5. I have heard learned counsel for the parties and perused the record with their able assistance.

6. The respondent is relying upon Rule 81 of 2016 Rules which is reproduced as below:

“81. Provisional pension only where proceedings are pending at the time of retirement.-

1.(a) In respect of a Government employee against whom departmental or judicial proceedings are pending at the time of retirement, the Principal Accountant General (Accounts & Entitlement), Haryana shall authorize the provisional pension equal to the maximum pension which shall have been admissible on the basis of qualifying service up to the date of retirement of the Government

employee, or if he was under suspension on the date of retirement, upto the date of immediately preceding the date on which he was placed under suspension.

(b) The provisional pension shall be authorized by the Principal Accountant General (Accounts & Entitlement), Haryana during the period commencing from the date of retirement up to and including the date on which, after the concluding of departmental or judicial proceedings. Final orders are passed by the competent authority.

(c) No gratuity and commuted value of pension shall be authorised to the Government employee until the conclusion of the departmental or judicial proceedings and issue of final orders thereon.”

7. From the perusal of above quoted Rule, it is evident that gratuity and commuted value of pension cannot be released until the conclusion of departmental or judicial proceedings and issue of final orders whereon. The petitioner is not facing departmental proceedings rather proceedings have been dropped in his favour. Final order in the department proceedings has been passed in his favour. He has already been acquitted by trial Court. It is settled law that appeal is continuation of original proceedings. Appeal before this Court is pending since 2019. The petitioner has retired in 2023. A period of two years has passed away. He cannot be denied from the benefit of gratuity and commuted value of pension for indefinite period. He has already been acquitted by trial Court and more so by departmental authorities. The department itself is of the opinion that petitioner is not liable to punishment. He is ready to furnish security to secure interest of department.

8. In view of the above discussion and findings, this Court deems it appropriate to direct the respondents to release gratuity and

commuted value of pension subject to furnishing of security by petitioner. The needful shall be done within two months from the date of furnishing security. It is made clear that no interest would be payable if the payment is released within aforesaid period, failing which respondent shall be liable to pay interest @ 7.5% from the date of expiry of aforesaid period.

9. ***Disposed of.***

**(JAGMOHAN BANSAL)
JUDGE**

22.08.2025

Prince Chawla

Whether Speaking/reasoned	Yes/No
Whether Reportable	Yes/No