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

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Date of Decision: 01.09.2025

Sawambarjit Singh

...Petitioner

Versus

State of Punjab and others

...Respondents

CORAM: HON'BLE MR. JUSTICE JAGMOHAN BANSAL

Present: - Mr. Karan Singla, Advocate for the petitioner

Mr. K.D. Sachdeva, 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 to release his gratuity and full pension.

2. The petitioner was part of Punjab Police Force and on attaining the age of superannuation retired on 30.04.2024. While in service, he was implicated in FIR No.161 dated 27.07.2020 under Section 221 of Indian Penal Code, 1860 registered at Police Station Sri Hargobindpur. The Investigating Officer filed cancellation report on 04.01.2021 which is still pending before the Trial Court for further orders. The respondent has released leave encashment and provisional pension of the petitioner besides provident fund, however, withheld his gratuity and partial pension. The competent authority has agreed to release full pension and gratuity. The competent authority has forwarded the matter to Indian Audit and Accounts



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Department for approval. The said office has raised objection on the ground of pending criminal case.

3. Learned counsel for the petitioner submits that case of petitioner is squarely covered by judgment dated 25.07.2025 passed by this Court in *Suresh Kumar Sharma (deceased) through LRs. v. State of Haryana and others, CWP No.15069 of 2019*.

4. Faced with this, learned State counsel submits that respondent-State has no objection to release of gratuity and full pension, however, office of Accountant General has raised objection.

5. In the wake of statement of both sides and keeping in mind judgment in *Suresh Kumar Sharma (Supra)*, this Court finds it appropriate to direct respondents to consider claim of the petitioner in the light of afore-cited judgment. Let needful be done within 3 months from today.

6. The competent authority shall keep in mind that on the date of retirement, cancellation report was pending before the Trial Court and in the Punjab Civil Services Rules, a judicial proceeding is deemed to be instituted on the date on which complaint or police report is filed on which Magistrate takes cognizance.

7. Disposed of in above terms.

(JAGMOHAN BANSAL)
JUDGE

01.09.2025
Mohit Kumar

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