



CWP-21399-2025

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

109

CWP-21399-2025

Date of Decision: 30.07.2025

Buta Singh**...Petitioner**

Versus

State of Punjab and others**...Respondents****CORAM: HON'BLE MR. JUSTICE JAGMOHAN BANSAL**

Present: - Ms. Jyoti Sareen, Advocate for the petitioner

Mr. Aman Dhir, 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 setting aside of order dated 22.01.2024 (Annexure P-7) whereby he has been denied gratuity.

2. The petitioner joined Punjab Police as Constable on 05.05.1992. He was implicated in FIR No.119 dated 24.10.2001 under Sections 323, 324, 325, 148 read with Section 149 of Indian Penal Code, 1860 registered at Police Station Mahilpur, District Hoshiarpur. He was promoted as Head Constable in 2008. He was convicted by the Trial Court vide judgment dated 27.01.2010 (Annexure P-1). He was adorned with Local Rank of Assistant Sub-Inspector in 2020. He sought voluntary retirement in April' 2021 which was acceded to. He came to be relieved on 03.07.2021.

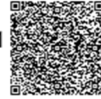


3. The respondent by impugned order has denied him gratuity and regular pension on the ground that appeal of the petitioner against judgment of conviction is still pending.

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

5. Mr. Aman Dhir, Deputy Advocate General, Punjab attempted to doubt correctness of the judgment, however, expressed his inability to controvert applicability of aforesaid judgment to the facts of instant case. He further submits that petitioner has already been granted 100% provisional pension, thus, the dispute remains only of gratuity. In the Rules, there is specific provision which permits authorities to withhold gratuity during the pendency of criminal proceedings.

6. The case of the petitioner on merits is squarely covered by judgment of this Court in ***Suresh Kumar Sharma (supra)***. It is further apt to notice that the petitioner was convicted vide judgment dated 27.01.2010. The conviction was with respect to an offence which was unrelated with the official duties of the petitioner. Despite conviction, he was not dismissed from service in terms of Rule 16.2 of Punjab Police Rules, 1934 (for short 'PPR') whereas he was promoted to the rank of Head Constable during the pendency of trial and further granted promotion as Assistant Sub-Inspector (Local Rank) after conviction. No departmental proceedings were initiated against him and he was allowed to retire after completing service of 29 years. These facts collectively indicate that respondent was always of the

**CWP-21399-2025****-3-**

opinion that alleged offence committed by the petitioner had no bearing with his official duties.

7. In the wake of above discussion and findings, this Court is of the considered opinion that present petition deserves to be allowed and accordingly allowed. The respondent is directed to release petitioner's gratuity within three months from today.

8. If gratuity is released within three months from today, no interest shall be payable. However, in the event of any delay beyond the said period, the respondent shall be liable to pay interest @ 7.5% per annum from the date of expiry of said period till date of actual payment.

(JAGMOHAN BANSAL)
JUDGE

30.07.2025*Mohit Kumar*

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