



CWP-5637-2025

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

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CWP-5637-2025

Date of Decision: 12.05.2025

Inderjit Singh

...Petitioner

Versus

State of Punjab and others

...Respondents

CORAM: HON'BLE MR. JUSTICE JAGMOHAN BANSAL

Present: - Mr. R.K. Arora, Advocate and
Mr. Jugam Arora, 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 direction to respondents to release his retiral dues i.e. gratuity, leave encashment, regular pension, commutation of pension and GIS.

2. The petitioner joined Punjab Police Force as SPO on 16.12.1993. He was allotted Constabulary Number on 02.06.1994. He came to be implicated in FIR No.44 dated 02.06.2004 under Sections 406, 420, 120-B of Indian Penal Code, 1860 registered at Police Station Division No.2, Jalandhar. He was also embroiled in FIR No.129 dated 02.06.2004 under Sections 61/1/14 of the Punjab Excise Act, 1914 (for short 'Excise Act') registered at Police Station Kharar, District Rupnagar (now District S.A.S. Nagar Mohali). He was suspended vide order dated 04.09.2017 on account of circulating some Whatsapp video. He was issued charge-sheet dated 11.09.2017. He came to be dismissed from service vide order dated



01.07.2018 passed by Disciplinary Authority. He preferred appeal before Appellate Authority which accepted his appeal and vide order dated 22.04.2024 ordered to compulsorily retire him from the date of his dismissal from service i.e. 01.07.2018.

3. Learned counsel for the petitioner submits that petitioner has already been acquitted in FIR No.44 dated 02.06.2004. As per his information, the police authorities sent his matter for compounding to Excise and Taxation Authorities because offence was compoundable. The respondent-State presented challan on 08.02.2005 before the Trial Court, however, till date no charge(s) has been framed against him. A period of more than two decades have passed away from the date of filing challan, however, there is no adverse order against him in the form of charge-sheet or judgment of sentence. On account of said FIR under Excise Act, the respondent-State has withheld his retiral dues.

4. Status report by way of affidavit dated 12.05.2025 of Mr. Karan Singh Sandhu, P.P.S. Deputy Superintendent of Police, Sub-Division, Kharar-1, District S.A.S. Nagar, Mohali filed on behalf of respondent Nos.1 to 3 is taken on record. Registry is directed to tag the same at an appropriate place.

5. Learned State counsel submits that as conceded by the petitioner, police filed challan on 08.02.2005 *qua* FIR under Excise Act. The Excise and Taxation Authorities have informed that they had never received file for compounding of offence. The challan was presented and beyond that stage, it was within jurisdiction of the Trial Court. The



respondent-State has already released petitioner's leave encashment, GIS and provisional pension.

6. I have heard the arguments of learned counsel for both sides and perused the record with their able assistance.

7. From the perusal of record, it is evident that by order dated 24.04.2024 passed by Appellate Authority, the petitioner was compulsorily retired w.e.f. 01.07.2018. He has already been acquitted in FIR No.44 dated 02.06.2004. The respondent has withheld petitioner's retiral dues on the sole ground that FIR under Section 61 of Excise Act is pending against him. There is no dispute with respect to filing of challan before the Trial Court. The challan was filed on 08.02.2005. A period of more than 20 years has elapsed from the date of filing challan. The respondent was granted multiple opportunities by this Court to verify present status of aforesaid FIR. The respondent-State is claiming that as per record, they have photocopy of challan which was presented before the Trial Court at Kharar, District Rupnagar. Sub-Division Kharar now falls within jurisdiction of District S.A.S. Nagar Mohali. They are unable to collect record from the Trial Court to support that challan was actually registered and Court proceeded with the matter. As per petitioner as well as respondent, challan was presented before the Trial Court on 08.02.2005. The Excise and Taxation Department has clarified that the matter was never compounded at their end. The petitioner virtually retired in July' 2018. He is unable to get his retiral dues because of aforesaid FIR. He cannot be held guilty for non-adjudication of aforesaid FIR. The fault lies either with the Police Authorities or Public Prosecutor or Court Staff.



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8. In the backdrop, this Court is of the considered opinion that respondent-State has no authority to withhold petitioner's dues on account of pendency of aforesaid FIR. Accordingly, the respondent-State is hereby directed to release retiral dues of the petitioner.

9. It is made clear that if within two months, the Department is able to establish that petitioner was held guilty in aforesaid FIR, the status of retiral dues would be considered as per law.

10. Needless to say, retiral dues will not carry any interest if payment is made within two months from today failing which interest shall be payable @ 9% per annum.

11. Before parting with the judgment, this Court finds it appropriate to request District and Sessions Judge, S.A.S. Nagar, Mohali to conduct an inquiry and find out status of FIR No.129 dated 02.06.2004 under Sections 61/1/14 of the Punjab Excise Act, 1914 registered at Police Station Kharar, District Rupnagar (now District S.A.S. Nagar Mohali). Senior Superintendent of Police, S.A.S. Nagar Mohali, is also directed to take an appropriate action against the erring officials. The needful shall be done within two months from today.

12. Disposed of in above terms.

(JAGMOHAN BANSAL)
JUDGE

12.05.2025

Mohit Kumar

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