

IN THE HIGH COURT OF PUNJAB & HARYANA, CHANDIGARH

C.W.P. No. 9246 of 2000
Date of Decision: Jan. 28, 2010

Gurdial Singh Fiji *Petitioner*

Versus

State of Punjab *Respondent*

Coram: Hon'ble Mr. Justice Ashutosh Mohunta

Present: None for the petitioner.

Ms. Sudeepti Sharma, DAG, Punjab.

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ASHUTOSH MOHUNTA, J. (Oral)

The petitioner has filed the present writ petition for directing respondent No.2 to make payment of arrears of all dues including pension, gratuity etc. from 1.7.1984 to date with interest at the rate of 18% per annum.

Briefly stated that the petitioner was selected to P.C.S. (Exe. Branch) on the basis of open competition and joined the service on 8th June, 1954 and retired w.e.f. 30th June, 1984. On petitioner's retirement, respondent No.1 issued him a letter certifying that the conduct of the petitioner throughout his service in P.C.S had been good. A case under the Prevention of Corruption Act against the petitioner was registered at Police

Station Ramdass, District Amritsar i.e. F.I.R. No. 33/78 dated 1.4.1978 with respect to purchase of some evacuee land by him while working as Judicial Magistrate-cum-Sub Judge. Thereafter, another case was registered against the petitioner at Police Station Division No.2, Jalandhar, vide F.I.R. No. 296 dated 12.9.1980 under the Prevention of Corruption Act. It is pertinent to mention here that in pursuance to both of these cases, his house at Chandigarh was searched by the police. In 1984, sanction for the prosecution of the petitioner was given by the respondent. Consequently, he was not paid full pension but only provisional pension was paid. He was also not paid gratuity. In order to save himself from the cases, the petitioner left India and is presently staying at Canada.

In the preliminary objections, the respondent has stated that the petitioner retired on 30.6.1984 on superannuation and his pensionary benefits have been released by 1996. But the present writ petition has been filed in the year 2000 i.e. after considerable delay of four years. It has further been averred that due to pendency of cases against the petitioner at the time of his retirement, only one provisional pension was released. His death-cum-retirement gratuity was withheld due to cases pending against him. After the conclusion of cases, the pension payment order for pension was issued and payment of commutation of pension and death-cum-retirement gratuity were made to the petitioner as is mentioned in para Nos. 2 and 3 of the preliminary objection of the written statements.

As all the pensionary benefits have been released to the petitioner after the conclusion of the criminal cases against him, hence, nothing more is due to the petitioner. The petitioner is also not entitled to any interest as the payment of his retiral dues was made immediately after

the conclusion of the criminal cases against him.

Since no legal right of the petitioner has been infringed, therefore, I am not inclined to exercise extra-ordinary jurisdiction under Article 226/227 of the Constitution of India.

Resultantly, the writ petition is dismissed.

28.1.2010

Rupi

**(ASHUTOSH MOHUNTA)
JUDGE**