

IN THE HIGH COURT OF JUDICATURE FOR RAJASTHAN AT
JODHPUR.

O R D E R

P.K.Harsh v. UCO Bank, Calcutta & Ors.

S.B.CIVIL WRIT PETITION NO.2590/1999
under Article 226 of the
Constitution of India.

Date of order : 26th October, 2005

P R E S E N T

HON'BLE MR.JUSTICE GOVIND MATHUR

None present, for the petitioner.
Mr. M.R.Singhvi, for the respondents.

BY THE COURT :

The petitioner, a retired employee of the UCO Bank, preferred the present writ petition seeking directions for respondents as under:-

“It is, therefore, prayed that your Lordships may be pleased to call for and examine the entire record relating this case and by an appropriate writ, order or direction:

(i)Quash and set aside annexure No.6,7,8 and 9 with regard to respondents' demand of refund of gratuity amount from the petitioner.

(ii)Direct the respondents to make immediate payment of the Provisional Pension/Pension to the petitioner w.e.f. 1st February, 1997 and pay interest upto date on the arrears of pension accumulated/payable to the petitioner since 1.2.1997 onwards.

(iii)Direct the respondents to continue the payment of Provisional Pension/Pension to the petitioner.

(iv)Direct the respondents to grant all consequential benefits to the petitioner resulting out of revocation of his suspension on 1.5.1990 admissible to the petitioner till the date of his retirement on 31.1.1997.

(v)Grant any other relief to which the petitioner is found entitled and deemed fit by this Hon'ble Court.

(vi)The writ petition may be allowed with cost."

The reliefs referred above are claimed by the petitioner for the reason that the respondents denied the same due to pendency of a criminal case against him for the offences under Sections 120-B read with 420 IPC and for the offences under Section 5(1) read

with Section 5(2) of the Prevention of Corruption Act, 1988.

The petitioner was convicted for the offences referred above by learned Special Judge, CBI Cases, Jodhpur by judgment dated 23.3.1999 and sentenced for rigorous imprisonment of 2½ years with a fine of Rs.10,000/- for the offence under Section 120-B & 420 IPC and by a simple imprisonment of one year with a fine of Rs.5,000/- for offence under Section 5(1) & Section 5(2) of the Prevention of Corruption Act, 1988.

The petitioner assailed validity and propriety of the judgment dated 23.3.1999 passed by learned Judge, CBI Cases, Jodhpur by way of filing an appeal before this Court under Section 374 Cr.P.C. The appeal preferred by the petitioner came to be accepted by judgment dated 12.5.2003 passed by this Court. A certified copy of the judgment dated 12.5.2003 is available on record being filed by the petitioner. In view of the fact that the petitioner has already been acquitted from the criminal charges, I do not find any reason now to detain the pension and all other retiral benefits for which the petitioner is otherwise entitled.

In view of the fact that the petitioner has already been acquitted from the criminal charges this

petition for writ is allowed and the respondents are directed to release all the pensionary and post retiral benefits to the petitioner for which he is entitled on being retired from services within a period of three months from today. The petitioner shall also be entitled for interest upon the arrears accrued in his favour, due to delay in pension and other post retiral benefits, @ 7.5% per annum required to be computed from the date of his superannuation.

(GOVIND MATHUR),J.

kkm/ps.