

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

**CWP No.11103 of 2013
Date of decision : 19.10.2015**

Kalam Singh

....Petitioner

Versus

State of Haryana & ors.

....Respondents

CORAM: HON'BLE MR. JUSTICE MAHESH GROVER

Present: Mr. H.S.Saini, Advocate
for the petitioner.

Mr. Hitesh Pandit, Addl. AG, Haryana.

Mahesh Grover, J. (Oral)

The petitioner prays for quashing of the order dated 06.02.2013 (Annexure P-8) by which his prayer for restoration of his pay and consequential revision of his pension after the expiry of period of temporary punishment restricted to five years has been declined. The petitioner during the course of his service was initially terminated in the year 2004. He filed an appeal, which was partly accepted by virtue of Annexure P-1 inflicting the punishment which brought him down to the minimum pay scale for a period of five years. This order was passed on 30.09.2004 and the currency of punishment which the petitioner had accepted would have expired on 30.09.2009. The petitioner was reinstated in service in October 2004 but compulsorily retired in 2007.

The grievance of the petitioner is that by virtue of Annexure P-1, the appellate authority had prescribed the period of punishment in the minimum pay scale for 5 years, which expired on 30.09.2009 and thereafter his pension was required to be refixed by revival of his pay scale of one in which he was placed prior to the punishment.

The respondents have admitted his claim and in para 2 of the preliminary submissions, it has been stated as follows:

"The petitioner becomes entitled for restoration of his basic pay Rs.6200/- w.e.f. 04.10.2009 on completion of five years from the date of reinstatement 05.10.2004. Corresponding pay as per 6th Pay Commission Rs.5000-7850 i.e. 9300+3200 was granted to the petitioner w.e.f. 01.01.2006."

In view of the reply, which candidly accepts the claims of the petitioner, I am of the opinion that the petition deserves to be allowed.

Therefore, in view of the uncontroverted stand of the respondents, the petition is accepted and petitioner is held entitled to revision of pension in his original pay scale in which he stood prior to the inflicting of punishment upon him. Necessary exercise be done as expeditiously as possible preferably within a period of four months from the date of receipt of certified copy of the order and all consequential benefits flowing to the petitioner be released to him within a period of four weeks thereafter.

19.10.2015
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(Mahesh Grover)
Judge