

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

CWP No.21330 of 2013  
Date of decision : 13.03.2015

Vakil Singh

...Petitioner

Versus

State of Haryana and others

...Respondents

**CORAM: HON'BLE MR. JUSTICE AMIT RAWAL**

Present: Mr. Sanjiv Gupta, Advocate  
for the petitioner.

Mr. Ravi Partap Singh, AAG, Haryana.

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**AMIT RAWAL, J. (Oral)**

Challenge in the writ petition is to the order dated 14.05.2013 (Annexure P-8), whereby the 90% cut in the pension of the petitioner, who stated to have been retired on 30.11.2012, has been imposed.

Mr. Sanjiv Gupta, learned counsel for the petitioner contends that petitioner had remained absent from 07.07.2010 to 11.07.2010 and for that period he had applied for leave as his son was suffering from malignancy. The said leave has been sanctioned vide order dated 29.04.2011 (Annexure P-6). Despite leave having been sanctioned, respondents-authorities served charge-sheet on 15.07.2011, which was duly replied. The Enquiry Officer was appointed and which culminated into the enquiry report dated 22.10.2012 and on the basis of the recommendation of the Enquiry Officer, the Appointing Authority vide impugned order dated 14.05.2013 imposed 90% cut in the pension of the petitioner.

Mr. Ravi Partap Singh, learned counsel for the State contends that the order of imposing 90% cut in the pension of the petitioner is legal and justified, as it has been found that the leave of the petitioner was sanctioned inadvertently.

I have heard learned counsel for the parties and appraised the order and am of the view that order dated 14.05.2013 is vitiated in law and suffers from fallacy inasmuch as that once the leave of the petitioner for the aforementioned period has been sanctioned vide order dated 29.04.2011 (Annexure P-6), there was no occasion for the respondents-authorities to serve the charges on 15.07.2011. The charge-sheet was based on the non-application of mind.

It has been come on record that no loss has been caused to the respondents on account of absence of the petitioner. Since the leave of the petitioner has been sanctioned, the charge-sheet, enquiry report and ultimately the impugned order imposing 90% cut are not liable to be sustained.

In view of what has been observed above, impugned order dated 14.05.2013 (Annexure P-8) is thus, set aside. The petitioner shall be entitled to the consequential benefits.

The present writ petition is allowed, accordingly.

**13.03.2015**

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**(AMIT RAWAL)  
JUDGE**