

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

**CWP- 949-2014 (O&M)
Date of Decision : 10.07.2015**

Daya Nand Hooda

..... Petitioner

versus

State of Haryana

..... Respondent

CORAM : HON'BLE MR. JUSTICE AJAY TEWARI

Present : Mr. R.K.Malik, Senior Advocate with
Mr. Kuldeep Sheroan, Advocate
for the petitioner.

Ms.Shruti Goyal, AAG, Haryana.

1. Whether Reporters of local papers may be allowed to see the judgment?
2. To be referred to the Reporters or not?
3. Whether the judgment should be reported in the Digest?

AJAY TEWARI, J. (ORAL)

By this petition the petitioner has challenged the order dated 12.12.2013 (Annexure P-6) whereby cut of 50% has been imposed on his pension.

Learned senior counsel for the petitioner has raised two fold arguments. As per him the reply to the Show Cause Notice and the averments made therein particularly para-6 thereof having not been addressed at all. As per the Rules, the report could not be accepted without calling the comments of the petitioner. The provisions of the amended Sub-Rule 6 of Rule 7 of the Haryana Civil Services (Punishment & Appeal) Rules, 2007 have not been followed and the action has been taken as per the un-amended rules; and second, even while proceeding under

the un-amended rule the reply of show cause notice has not been considered. Apart therefrom it has also been argued that as per the Rules, before imposing any penalty on any retired Class-I officer, the concurrence of the Haryana Public Service Commission has to be taken, which has not been done in the present case.

Learned counsel for the petitioner has relied upon judgment of this Court in the matter of ***Ramesh Kumar Vs. State of Haryana and others reported as 2006(3) SCT 799*** to contend that the provisions of the amended Rule 7(6) have to be followed. I find that these arguments are correct. Resultantly the impugned order has to be set aside and the matter is remanded back to the disciplinary authority with a direction to proceed further from the stage of receipt of report of the inquiry officer as per law. Ordered accordingly.

It is made clear that the quashing of this order would not mean that the petitioner would be automatically entitled to get his full pension but in case a final order is not passed within three months (subject to the petitioner not obstructing the same) the petitioner would be entitled to claim full pension till such time the order is passed.

Disposed of.

Since the main case has been decided, the pending civil miscellaneous application, if any, also stands disposed of.

10.07.2015

Pooja Sharma-I

**(AJAY TEWARI)
JUDGE**