

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

**RSA No. 6088 of 2014 (O&M)
Date of decision : 30.07.2015**

Som Singh ...Appellant

versus

P.S.P.C.L and another ...Respondents

CORAM: HON'BLE MS. JUSTICE RITU BAHRI

Present: Mr. Aminder Singh, Advocate
for the appellant

RITU BAHRI , J.

C.M. No. 14491 of 2014

For the reasons mentioned in the application, delay of 240 days in re-filing the present appeal is condoned.

The application stands disposed of accordingly.

RSA No. 6088 of 2014

This regular second appeal is directed against the concurrent findings of facts recorded by both the Courts below whereby the suit of the plaintiff-appellant (herein after to be referred as 'the appellant') was dismissed.

The appellant joined the service of the respondent-

department on 23.08.1968 as Meter Reader and was promoted to the post of Meter Inspector on 04.03.1982 and never earned a single adverse entry in the ACR. A criminal case under Section 7/13(2)/88 of Prevention of Corruption Act and was convicted, vide judgment dated 30.11.2002. The appeal against the said judgment is pending before this Court. Vide order dated 31.03.2003, the appellant was dismissed from service on the basis of conviction of the appellant. An appeal was filed against the dismissal order, which was also dismissed vide order dated 09.09.2003. The review petition filed by the appellant was also dismissed vide order dated 28.04.2005.

Respondents tendered into evidence representation of the appellant for allowing pension dated 8.5.2011 Ex D1, office order dated 28.04.2005 Ex D2 and appeal of the appellant against order dated 31.03.2003. Reference was made to Punjab Civil Services Rule 2.5 Vol II, Chapter II, Section III, which reads as under:-

“2.5. No pension may be granted to a Government employee dismissed or removed from misconduct, insolvency or inefficiency, but to Government employees so dismissed or removed, compassionate allowances may be granted when they are deserving of special consideration; provided that the

allowances granted to any Government employee shall not exceed to-thirds of the pension which would have been admissible to him if he had retired or medical certificate.”

A perusal of the above said Rules shows that if a person is dismissed from service for grave misconduct, the Court cannot grant him any relief on compassion. It has been so held in In **L.I.C vs. R.**

Dhandapani 2005(4) SCT 842

A perusal of the service book of appellant produced on filed by the appellant himself shows that his service record was not good as he was also previously punished vide order No. 883 dated 07.10.1999 on the allegations that he obtained Rs.200/- as bribe from the consumer wrongly and illegally. He was suspended vide order dated 22.05.1998 when he was arrested by DSP (Vigilance) Flying Squad, Patiala on 15.05.1995. He has challenged the dismissal order dated 31.03.2003 conferred by the Appellate Authority vide order dated 9.9.2003 and rejection of review petition filed by the appellant vide order dated 28.04.2005, by filing the present suit on 30.04.2009, which was rightly held to be barred by limitation by both the Courts below.

Accordingly, the concurrent findings of facts recorded by

both the Courts below does not require any interference by this Court.

No substantial question of law arises for adjudication by this Court.

The appeal is dismissed.

30.07.2015
G Arora

(RITU BAHRI)
JUDGE