

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH.

R. A. No. 25 of 2015 in L. P. A. No. 427 of 2013

Date of Decision : October 09, 2015

Shankar Lal Appellant

Vs.

State of Haryana and others Respondents

CORAM : HON'BLE MR. JUSTICE SATISH KUMAR MITTAL.

HON'BLE MR. JUSTICE DEEPAK SIBAL.

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To be referred to Reporters or not ?

Whether the judgment should be reported in the digest ?

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Present : Mr. P. S. Poonia, Advocate
for the applicants/respondents no. 2 to 5.

Mr. Sudeep Mahajan, Addl. A. G., Haryana.

Mr. P. K. Ganga, Advocate
for non-applicant/appellant.

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DEEPAK SIBAL, J. :

C. M. No. 847-LPA of 2015 :

Through this application, condonation of delay of 89 days in
filing the Review Application is sought for.

For the reasons stated in the application, which is duly

supported by an affidavit, and after hearing counsel for the parties, delay of 89 days in filing the Review Application is condoned.

The application stands disposed of.

R. A. No. 25 of 2015 in L. P. A. No. 427 of 2013 :

Through the present application, the applicants – respondents no. 2 to 5 seek recalling of the order dated 12.11.2014, through which, the appellant's intra-court appeal was allowed and the matter was remitted back for reconsideration of the same in the light of the observations made in the order.

The facts may be noticed in brief.

Consequent upon his conviction in a corruption case after his retirement, vide order dated 22.03.2012, the appellant's entire pension was ordered to be withheld. The challenge to the aforesaid order through **C. W. P. No. 6734 of 2012** was rejected by a learned Single Judge of this Court, which gave rise to an intra-court appeal – **L. P. A. No. 427 of 2013** – **Shankar Lal vs. State of Haryana and others**, which, through the order under review, was allowed.

Through the order impugned by the appellant, his entire pension had been withheld, which he targeted while relying on Rule 2.2 (a) of the Punjab Civil Services Rules, Volume II, Part I (hereinafter referred to as – the Rules) to say that under Clause (ii) of the Rules, the entire pension could not have been withheld and only a part thereof could be, which

ordinarily would not exceed 1/3rd of the total pension. Referring to the cited Rule, the appeal was allowed and the matter was remitted back to the Authority to reconsider the same in the light of the observations made and in view of Clause (ii) of Rule 2.2 (a) of the Rules.

Counsel for the applicants submits that the appellant had relied upon Rule 2.2 (a) of the Rules, which was applicable to the State of Punjab, whereas the case in hand pertained to the State of Haryana and as per Rule 2.2 (a) of the Rules, there was no restriction on the quantum of pension, which could be withheld.

Counsel for the non-applicant/appellant submits that he had inadvertently cited the Rule applicable to the State of Punjab.

After going through Rule 2.2 (a) of the Rules, as applicable to the State of Haryana, we find that the same permits withdrawal of the whole or any part of the pension and on that ground, we consider it just and proper to allow the present application.

Resultantly, the order dated 12.11.2014 is recalled and the Registry is directed to list the main appeal for motion hearing as per Roster.

(SATISH KUMAR MITTAL)
JUDGE

(DEEPAK SIBAL)
JUDGE

October 09, 2015

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