

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

**CWP No.21368 of 2016 (O&M)
Date of decision : October 17, 2016**

Harpal Singh

..... Petitioner

Versus

The Punjab State Warehousing Corporation and others

..... Respondents

CORAM : HON'BLE MR. JUSTICE KULDIP SINGH

Present:- Mr. Harit Sharma, Advocate for
Mr. Shivani Sharma, Advocate for the petitioner.

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

KULDIP SINGH J. (ORAL)

Petitioner was working as Junior Engineer in Warehousing Corporation. He retired from service on 30.04.2009. During the tenure of his service, FIR No.07, dated 08.01.2005, under Sections 307, 326, 323, 324, 120-B, 148 and 149 IPC was registered against him at Police Station Nurmahal, Jalandhar. Though, the name of the petitioner was mentioned in column No.2 of the challan but he was summoned under Section 319 Cr.P.C. and ultimately convicted and sentenced for the commission of said offences. The appeal filed by the petitioner is pending before this Court, in which his sentence has been suspended. Thereafter, the department issued a show cause notice dated 20.03.2012 to the petitioner to the effect as to why his pension be not stopped as per Rule 2.2.(b) of the Civil Services Rules, Volume-II. After receiving the reply of the petitioner, the impugned order dated 19.09.2012 (Annexure P-11) was passed, which was endoresed on 12.10.2012, whereby the provisional pension of the petitioner was stopped with immediate effect. The appeal filed by the petitioner was dismissed on

22.08.2016.

I have heard learned counsel for the petitioner and have also carefully gone through the case file.

It comes out that the petitioner has been sentenced to life in the aforesaid FIR. The department has followed the procedure provided under Rule 2.2(b) of the Rule *ibid*. The order to stop the pension permanently can be passed, if the employee is convicted for grave misconduct or negligence during the period of his service. The FIR in question was registered for the misconduct of the petitioner during his service period. The impugned order was passed after hearing the petitioner.

Learned counsel for the petitioner contends that no pecuniary loss was caused to the department.

In this case, no pecuniary loss was caused. Therefore, no recovery has been ordered against the petitioner.

Learned counsel for the petitioner has relied upon the order of the appellate authority, whereby the reliance has been made under Rule 2.2 (a) of the Rule *Ibid*.

I am of the view that the effect of the order of the appellate authority is that the order of the punishing authority is upheld, which is under Rule 2.2 (b) of the Rules *ibid*. Therefore, there is no illegality or infirmity in the impugned order, so long the conviction remains in operation. Thus, there is no ground to interfere in the same.

Accordingly, the present writ petition is dismissed.

(KULDIP SINGH)
JUDGE

October 17, 2016

sarita

Whether speaking / reasoned

Yes

Whether Reportable:

No