

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

CWP No. 24724 of 2014
Date of Decision: 09.09.2016

ASHWANI KUMAR

... *Petitioner*

VS.

THE PUNJAB STATE POWER CORP. LTD. AND OTHERS

.. *Respondents*

CORAM: HON'BLE MR. JUSTICE KULDIP SINGH

Present: Mr. J.S. Jaidka, Advocate,
for the petitioner.

Mr. Rajat Bansal, AAG, Punjab.

Mr. Y.P. Khullar, Advocate,
for the respondents.

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)

The petitioner by way of this writ petition seeks quashing of the order dated 10.09.2014 (*Annexure P-1*) passed by the respondent No. 3 vide which a cut of 20% in the pension of the petitioner was imposed for the period of one year.

The petitioner was working as Revenue Accountant in City Centre Division, PSPCL, Ludhiana. He retired from service on 30.09.2010 and after his retirement, a charge-sheet (*Annexure P-2*) was issued to him on 17.01.2012. Thereafter, without holding any enquiry, impugned order (*Annexure P-1*) was passed on 10.09.2014 imposing the above noted cut in the pension of the petitioner.

CWP No. 27424 of 2014

I have heard learned counsel for both the parties.

The factual position is not disputed. It is also not disputed that the respondents-PSPCL has adopted Punjab Civil Service Rules. After the retirement, if some penalty is to be imposed, provisions of Rule 2.2 (b) of Punjab Civil Service Rules are to be followed. In this case, admittedly, the charge-sheet was issued, reply was obtained but no regular enquiry was held. Therefore, the impugned order is patently illegal and was issued without following the procedure mandated under the Law and Rules.

Hence, the impugned order dated 10.09.2014 (*Annexure P-1*) passed by the respondent No. 3 is hereby quashed. The recovery already effected from the pension of the petitioner, in terms of the impugned order, shall be refunded.

In view of the above, the petition stands allowed.

September 9, 2016
Suresh Kumar

[KULDIP SINGH]
JUDGE

	✓	
<i>Whether speaking / reasoned</i>	<i>Yes</i>	<i>No</i>
		✓
<i>Whether Reportable</i>	<i>Yes</i>	<i>No</i>