

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

CWP No. 756 of 2015
Date of decision: 08.02.2016

Gurdev Singh Kalsi

....Petitioner(s)

Versus

State of Punjab and others

...Respondent(s)

CORAM: HON'BLE MR. JUSTICE G.S.SANDHAWALIA

Present: Mr. D.K. Bhatti, Advocate,
for the petitioner.

G.S.SANDHAWALIA, J. (Oral)

The petitioner challenges the order dated 12.09.2014 (Annexure P-8) passed by respondent no. 1 whereby, the appeals of the petitioner have been dismissed. Resultantly, the orders dated 29.08.2002 and 08.09.2003 (Annexures P-1 and P-2) have been upheld. Vide the said orders, the petitioners absence period was forfeited and on account of the forfeiture, his right of pension was also rejected on account of the fact that he did not have the requisite qualifying service.

It is not disputed that the petitioner was also involved in a criminal case which led to his conviction on 22.04.2010 and his appeal also stands dismissed on 21.04.2011 by the Sessions Judge, Jalandhar, which also weighed with the appellate authority. The case of the petitioner is that his criminal revision stands admitted before this Court and in case his revision is allowed, the case would require a re-look.

Notice of motion.

Mr. R.S. Sidhu, AAG, Punjab accepts notice on behalf of the respondents. Copy of the writ petition has been supplied to him.

Keeping in view the order which this Court is proposing to pass, reply is not felt necessary.

Admittedly, the conviction is regarding misappropriation of an amount of ₹1,87,457/- during his period of service. If the conviction is to be maintained, then the petitioner's right of pension etc. is not maintainable as it is always open to the authorities to impose a cut on the pension.

Accordingly, the present writ petition is disposed of with liberty to the petitioner to challenge the impugned order dated 12.09.2014 (Annexure P-8) in case the criminal revision against the order of conviction is decided in his favour.

08.02.2016
shivani

(G.S. SANDHAWALIA)
JUDGE