

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

COCp-966-2017 (O & M)

Date of decision: 30.05.2017

Gurtej Singh

.... Petitioner

V/s

Himmat Singh and anr.

...Respondent(s)

CORAM: HON'BLE MR. JUSTICE RAJAN GUPTA

Present: Ms. Navneet Kaur, Advocate, for Mr. B.S. Sodhi, Advocate, for the petitioner.

Mr. V. Ramswaroop, Addl.A.G., Punjab.

Rajan Gupta, J. (Oral)

Learned State counsel seeks to place on record reply by way of short affidavit of Kuldeep Kumar, IFS, Principal Chief Conservator of Forests (HOFF), Punjab. Prayer is accepted. Reply is taken on record. He submits that in view of order passed by the writ court, a speaking order has been passed by the Principal Chief Conservator of Forests (HOFF), Punjab. Operative part thereof reads as under:-

- “1. Sh. Gurtej Singh petitioner is hereby retired from service on 30.4.2014 on attaining the age of superannuation i.e. 58 years instead of dismissal from service on account of conviction by the Learned Court.*
- 2. The intervening period from the date of earlier dismissal order dated 5.3.2014 and date of superannuation i.e. 30.4.2014 will be treated as leave of kind due, which shall be applied by Sh. Gurtej Singh to the competent authority.*
- 3. The period spent by the petitioner in custody will be treated as non-qualifying for all intents and purposes.*

4. Withholding of 100% pension permanently in term of Rule 2.2 (b) of Punjab Civil Services Vol. II on account of conviction by the Learned Court. However, the legal heirs of the employee will be entitled family pension as per rules in event of his demise.

5. The entitlement of Gratuity is reduced to the extent of any undue monetary benefits withdrawn by the petitioner or inadvertently paid to the petitioner for the period he remained under any kind of custody.”

In view of above, no cause of action survives in this petition.

Same is hereby dismissed as having been rendered infructuous.

Rule is discharged.

May 30, 2017
sukhpreet

(RAJAN GUPTA)
JUDGE

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No