

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

CWP No. 1669 of 2014

Date of Decision: 10.03.2017

MALKIAT SINGH

... Petitioner

VS.

STATE OF PUNJAB AND OTHERS

...Respondents

CORAM: **HON'BLE MR. JUSTICE KULDIP SINGH.**

Present: Mr. G.C. Rattan, Advocate,
 for the petitioner.

Mr. R.S. Pathania, DAG, Punjab.

KULDIP SINGH, J (ORAL)

Brief facts of this case are that the petitioner retired as Assistant Sub Inspector from Punjab Police on 28.02.2010. It comes out that during the service, he was booked in an FIR No. 01/2001 registered under Sections 342/346, 120-B IPC in which he was convicted and sentenced by the two Court below to undergo rigorous imprisonment for one year in addition to fine. The petitioner has already preferred a criminal revision before this Court against the said order which is still pending decision.

The claim of the petitioner is that he is being paid only 90% of the provisional pension and the remaining 10% has been withheld and that he is also not being paid the gratuity and commutation of pension.

I have heard the learned counsel for both the parties and have carefully gone through the case file.

I am of the view that in case if criminal proceedings are pending, the State is competent under Rule 2.2 (b) and (c) of the Punjab Civil Services Rules, Volume II, to allow only provisional pension and part of the pension and gratuity can also be withheld.

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The authority of Hon’ble the Supreme Court of India, SLP (C) No.1428 of 2009 titled as “State of Jharkhand and Others Vs. Jitendra Kumar Srivastava and Another” on which learned counsel for the petitioner has placed reliance, is regarding different facts.

It being so, there is no ground to order the release of the remaining part of the pension and gratuity, till the matter which is pending decision by way of criminal revision filed by the petitioner, is finally decided by this Court.

In view of the above, the present petition stands dismissed.

March 10, 2017
Suresh Kumar

(KULDIP SINGH)
JUDGE

Whether speaking / reasoned :	✓ Yes / No
Whether Reportable :	Yes / ✓ No