

IN THE HIGH COURT OF PUNJAB AND HARYANA  
AT CHANDIGARH

CWP- 22440-2012 (O&M)  
Date of decision: 18.04.2017

**Gurdial Singh**

**.....Petitioner**

**versus**

**The State of Punjab and others**

**.....Respondents**

**CORAM: Hon'ble Mr.Justice Kuldeep Singh**

Present: Mr.Anupam Bhardwaj, Advocate for the petitioner  
Mr.Anshul Gupta, Assistant A.G. Punjab

- 1. Whether Reporters of Local Newspapers may be allowed to see the judgment ?*
- 2. To be referred to the Reporters or not ?*
- 3. Whether the judgment should be reported in the Digest?*

**Kuldeep Singh, J. (Oral)**

Petitioner while working as a Conductor with the Punjab Roadways Amritsar was served with a charge sheet, which was followed by departmental inquiry, which culminated into order dated 9.7.1982 (Annexure P6), vide which, the petitioner was removed from service with immediate effect with the further direction that he will not be paid over and above the subsistence allowance already drawn by him during the period of suspension.

According to the petitioner, he challenged the said order before the Civil Court. Suit filed by the petitioner was dismissed with costs by learned Sub Judge 1<sup>st</sup> Class, Amritsar vide judgment and decree dated 26.7.1984, which was affirmed by learned Additional District Judge, Amritsar vide judgment dated 3.5.1985. Regular Second Appeal No.1863 of 1985 against the same was also dismissed by this Court vide judgment

dated 10.11.1989 (Annexure P1). In this way, order of removal from service was upheld.

Now, the petitioner claims pension under Rule 6.16 of the Punjab Civil Services Rules Volume II. The present petition was filed in the year 2012.

The State in the reply has taken a stand that since the services of the petitioner were terminated, therefore, under Rule 2.5 of Punjab Civil Services Rules Volume II, he is not entitled for the pension and pensionary benefits.

Admittedly, the petitioner was removed from service vide impugned order dated 9.7.1982 (Annexure P6), which was upheld by the Civil Courts and even Regular Second Appeal No.1863 of 1985 against the judgments of the Civil Court was also dismissed by this Court vide judgment dated 10.11.1989 (Annexure P1). Thereafter, after waiting for nearly 22 years the petitioner filed the present petition claiming benefit of Rule 6.16 of Punjab Civil Services Rules Volume II.

I am of the view that said Rule 6.16 is regarding the retiring employees. Regarding the employees, who have been dismissed, removed for misconduct, insolvency or inefficiency, Rule 2.5 of Punjab Civil Services Rules Volume II is applicable. The relevant portion of aforesaid Rule 2.5 is reproduced as under:-

*2.5. No pension may be granted to a Government employee dismissed or removed for misconduct, insolvency or inefficiency; but to Government employee so dismissed or removed, compassionate allowances may be granted when they are deserving of special consideration:*

*Provided that the allowance granted to any Government employee shall not exceed two-thirds of the pension which*

*would have been admissible to him if he had retired on medical certificate.*

A perusal of aforesaid Rule shows that in case of removal from service for misconduct, which is attracted in the present case, no pension is payable. However, the government may in the deserving cases of special consideration grant compassionate allowance.

In the present case, compassionate allowance is not claimed nor it was ever claimed from the government. However, the pension has been claimed, which is not admissible in view of Rule 2.5 of Punjab Civil Services Rules Volume II.

Hence, there are no merits in the present writ petition. The same is accordingly dismissed.

**18.04.2017**

*gk*

**(Kuldip Singh)  
Judge**

Whether speaking/ reasoned:

Yes

Whether Reportable:

No