

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CWP- 22454-2012 (O&M)
Date of decision: 18.04.2017

Didar Singh

.....Petitioner

versus

The State of Punjab and others

.....Respondents

CORAM: Hon'ble Mr.Justice Kuldip 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?*

Kuldip Singh, J. (Oral)

Petitioner while working as a Conductor with the Punjab Roadways, Pathankot was served with a charge sheet, which was followed by departmental preliminary inquiry, which culminated into order endorsed on 6.7.1983 (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 by learned trial Court vide judgment and decree dated 5.3.1985, which was affirmed by learned Additional District Judge, Gurdaspur vide judgment dated 30.10.1985. Regular Second Appeal No.679 of 1986 against the same was also dismissed by this Court vide judgment dated 12.12.2007. 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 pension and pensionary benefits.

Admittedly, the petitioner was removed from service vide impugned order dated endorsed on 6.7.1983 (Annexure P6), which was upheld by the Civil Courts and even Regular Second Appeal No.679 of 1986 against the judgments of the Civil Court was also dismissed by this Court vide judgment dated 12.12.2007. Thereafter, after waiting for nearly 5 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