

HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

**CM-345-LPA-2017 in/and
LPA No.167 of 2017 (O&M)
Date of Decision: 09.05.2017**

Om Parkash Rehlan

... Appellant

VS.

DHBVN

... Respondent

**CORAM: HON'BLE MR.JUSTICE SURYA KANT
HON'BLE MR.JUSTICE SUDIP AHLUWALIA**

Present: Mr. Ashok Arora, Advocate for the appellant

SURYA KANT, J. (Oral)

(1) This Letters Patent Appeal is directed against the order dated 30.04.2013 whereby learned Single Judge dismissed the appellant's writ petition in which he had laid challenge to the order of stoppage of pension on account of his conviction in a case under the Prevention of Corruption Act, 1988. The appeal is accompanied with an application under Section 5 of the Limitation Act for condonation of delay of 1297 days in filing the appeal. The only ground taken in paragraphs 2&3 of the application is that the applicant/appellant had taken the brief from the counsel but it was misplaced by him. *"He was unable to trace it even after lot of efforts. Thereafter the applicant-appellant contacted the counsel for filing the LPA. The counsel moved an application for inspection of the record of the writ petition and the same has been inspected and reconstructed to complete the paper book on 15.11.2016".*

(2) In our considered view, the averments made in this application are totally vague, evasive and not supported with any material whatsoever. When did the applicant/appellant took the brief or when was it misplaced by him has not been disclosed? It has also not been mentioned as to how the

applicant/appellant continued to make effort to trace out the brief for years. The applicant/appellant made no attempt to consult the advocate who could advice him to reconstruct the paper book after inspection of High Court record. The averments made in the application are thus totally cryptic and cannot be accepted. The application thus is rejected.

(3) Having held so, we have heard learned counsel for the appellant on merits also. It is not in dispute that the appellant has been convicted in a corruption case after his retirement. Upon such conviction, the competent authority has passed the order stopping his pension. The Pension Rules expressly provide that the future good conduct is a condition precedent and if a retiree is found guilty of misconduct in administrative or judicial proceedings, his pension can be stopped. Recourse adopted by the authorities being permissible under Rule 2.2 of the CSR Vol-II, the appellant's challenge to the order stopping his pension must fail.

(4) Dismissed.

(Surya Kant)
Judge

09.05.2017
vishal shonkar

(Sudip Ahluwalia)
Judge

1. *Whether speaking/reasoned?*
2. *Whether reportable?*

Yes
No