

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

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**RSA-292-1993 (O&M)
Date of decision:23.01.2018**

State of Punjab and another

....Appellants

Versus

Sarwan Kumar Kohli

.... Respondent

CORAM: HON'BLE MR. JUSTICE P.B. BAJANTHRI

Present: Mr. Rana Harjasdeep Singh, AAG, Punjab.

Ms. Alka Chatrath, Advocate for the respondent.

P.B. BAJANTHRI, J. (ORAL)

In the instant appeal, appellants have questioned order of the appellate court dated 18.09.1992.

Respondent while working as Accountant was subjected to disciplinary proceedings and it was concluded in imposing penalty of removal from service on 05.03.1984. Aggrieved by the order of removal from service he preferred appeal before the appellate authority and appellate authority rejected respondent's appeal. Thus, respondent preferred a writ petition before this court i.e. CWP No. 3804 of 1985 which was dismissed

in limini. Suppressing filing of writ petition and consequential order, filed a suit questioning the penalty of removal from service and further sought for consequential benefits. Having regard to the prayer in the suit and the fact that respondent suffered an order before this court in CWP No. 3804 of 1985, respondent is not entitled to any relief in particularly the relief granted by the appellate court to the extent of directing appellants to consider respondent's case for pension and gratuity by way of special allowances with reference to Rule 2.5 of Punjab Civil Services Rules. Even though, respondent is entitled to monetary benefits under Rule 2.5 of Punjab Civil Services Rules, same cannot be extended having regard to the conduct of the respondent insofar as suppressing the fact that he had filed CWP and suffered order and claiming same relief in the suit. In view of these facts and circumstances, appellate court's order dated 18.09.1992 is set aside.

Appeal stands allowed.

23.01.2018

pooja saini

(P.B.BAJANTHRI)
JUDGE

Whether speaking/reasons

Yes/No

Whether Reportable:

Yes/No