

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

**CWP No.11083 OF 2016
DECIDED ON: JANUARY 18 , 2018**

PURAN SINGH

.....PETITIONER

VERSUS

STATE OF PUNJAB AND OTHERS

.....RESPONDENTS

CORAM: HON'BLE MR. JUSTICE JASPAL SINGH

Present: Mr. Balbir Singh Jaswal, Advocate,
for the petitioner.

Mr. TPS Chawla, DAG, Punjab.

JASPAL SINGH, J

Challenge in this civil writ petition preferred under Article 226/227 of the Constitution of India is to the order dated 18.12.2015 (P-2) whereby the full pension of petitioner has been stopped by the respondents-department. With further prayer to direct the respondents to restore 90% pension being received by the petitioner since his retirement i.e. on 31.03.2008 during pendency of criminal case against him.

2. Brief facts of the case are that the petitioner has been working as a Clerk in the Education Department and remained posted in various schools during service period but while posted at Govt. Senior Secondary School, Jethuwal (Amritsar) during 1998, an allegation was leveled against him that he in connivance with two other persons, made an attempt to get two ingenuine persons joined the service by forging signatures of the District Education Officer whereas, no persons joined the service. It was only alleged as an

attempt. FIR No. 148, dated 06.10.1998, under Sections 420, 467, 471 and 511 IPC was also registered against him and was arrested on 08.10.1998. As a consequence, he was suspended w.e.f. 08.10.1998. In the above referred FIR, he was convicted and sentenced to undergo 3 years imprisonment along with fine. Aggrieved of his conviction and sentence, he preferred an appeal, which is still pending in this Court. He was granted the concession of suspension of sentence during the pendency of appeal.

3. After conviction of the petitioner and during pendency of the appeal before this Court, full pension of petitioner was stopped vide order dated 18.12.2015 on the ground that an employee is entitled to pension only, if his work, conduct had remained good during his service, citing Rule No.2.2 of the Punjab Civil Services Rules, Vol. II (*for short, "Rules"*), which necessitated filing of the instant petition.

4. At the initiation of the arguments, it has emerged that instant case is squarely covered by judgment passed by this Court in **CWP No. 20812 of 2016 (O&M)**, titled as **"Om Parkash Verma v. State of Punjab and others"**, decided on **03.08.2017** and is disposed of absolutely in terms of the aforesaid judgment. The petitioner shall be entitled to the relief already granted therein. Needful be done within a period of four months from the date of receipt of certified copy of this order.

5. Non-compliance of this order shall provide the petitioner liberty to approach this Court.

JANUARY 18 , 2018

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Whether speaking/reasoned Yes

Whether reportable Yes/No

(JASPAL SINGH)
JUDGE