

IN THE HIGH COURT OF PUNJAB AND HARYANA  
AT CHANDIGARH

CWP-5298-2012

Date of decision-13.09.2018

Gurdev Singh

...Petitioner

Vs.

State of Punjab and others

...Respondents

CORAM:- HON'BLE MR. JUSTICE JITENDRA CHAUHAN

Present: Mr. Harnek Singh, Advocate for the petitioner.

Ms. Sunint Kaur, AAG, Punjab.

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**JITENDRA CHAUHAN, J.**

Prayer in the instant petition filed under Articles 226/227 of the Constitution of India is for issuance of a writ in the nature of Certiorari *inter alia* for quashing impugned order dated 28.04.2008 (Annexure P-1) passed by respondent No.2, whereby, a cut of 3% in his pension had been imposed.

It is contended that the impugned order imposing 3% cut in his pension is arbitrary and illegal. The petitioner was found guilty of having taken money from the passengers but without issuing tickets, therefore, he was ordered to be compulsorily retired. However, subsequent to his retirement, punishment of 3% cut in his pension was imposed. It is argued that the petitioner has been awarded double punishment because firstly he was compulsorily retired and thereafter, for the same offence, a cut of 3% in his pension has been imposed.

On the other hand, learned State counsel submits that the assertion of the petitioner that he has been punished twice for the same offence is factually incorrect. The punishment of compulsory retirement has been imposed in separate proceedings with regard to the fraud of Rs.15/- committed on 22.11.2002, whereas, the punishment of cut to the extent of 3% in the pension was imposed in another departmental proceedings regarding non-issuance of proper tickets to passengers, thereby, causing a loss of Rs.230/- to the department and bringing the bus five hours advance from the scheduled timings.

Heard.

It is to be noticed that the petitioner was awarded punishment of compulsory retirement vide order dated 22.08.2005 for the fraud committed by him on 22.11.2002. After three years from the date of his compulsory retirement, another order dated 16.04.2008 was passed, thereby, imposing cut to the extent of 3% in his pension for the alleged frauds committed by him on 11.06.1993 and 04.08.1993, wherein, charge-sheet was issued on 09.09.1993. From the above sequence of events, it transpires that at the time of passing of order of compulsory retirement dated 22.08.2005, the proceedings with regard charge-sheet dated 09.09.1993 were already pending against the petitioner. However, the same culminated after three years of his retirement on 16.04.2008, a punishment has been imposed of a cut of 3% in his pension for the offence allegedly committed in the year 1993. The action of the respondents is against the principles of natural

justice as the petitioner had already been awarded a major punishment of compulsory retirement and that too, after more than three years therefrom.

In view of the above, the instant petition is allowed; impugned orders Annexure P-1 and P-3 are hereby set aside; and the respondents are directed to grant full pension and refund the amount deducted from the pension of the petitioner till date within two months from the date of receipt of a certified copy of this judgment, failing which, it shall carry interest @ 6.5% per annum from the date of filing the instant petition, till its payment.

**(JITENDRA CHAUHAN)**  
**JUDGE**

**13.09.2018**

***atulsethi***

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|-----------------------------|-----|----|
| Whether speaking/reasoned : | Yes | No |
| Whether Reportable :        | Yes | No |