

**CM-3239-3240-3241-2016 in/and
LPA-1549-2016 (O&M)**

-1-

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

**CM-3239-3240-3241-2016 in/and
LPA-1549-2016 (O&M)
Date of Decision: September 25, 2018**

Punjab and Sind Bank and othersAppellants
Versus
Parbodh KumarRespondent

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

Present: Mr.R.N.Lohan, Advocate for the appellants.
Mr.G.S.Bal, Sr.Advocate with
Ms.Gursimran Kaur, Advocate for the respondent.

.....

SURYA KANT, J.(ORAL)

CM-3239-LPA-2016

Application is allowed as prayed for.

CM stands disposed of.

CM-3240-LPA-2016

For the reasons mentioned in the application, the same is
allowed and the delay of 81 days in filing the appeal is condoned.

CM stands disposed of.

LPA-1549-2016

This Letters Patent Appeal challenges the order dated
03.05.2016 whereby learned Single Judge has set aside the order dated
23.08.2013 of the Disciplinary Authority vide which penalty of Reduction in
the monthly pension of the respondent by ₹15,000/- per month for 36
months was imposed. One of the main reason which found favour with the

learned Single Judge is that the action was taken under Clause 6(1) of the

Punjab and Sind Bank Officer Employees (Discipline and Appeal) Regulations, 1981 even when no action against a retired employee could be taken under that provision. On the other hand, learned counsel for the Bank relies upon and rightly so that there is a complete set of Regulations known as Pension Regulations, 1995 whereunder action can be taken against a retired bank employee also.

[2] Since the learned Single Judge has not been assisted with the relevant provisions of 1995 Regulations and other factual issues are also at variance, the instant appeal is allowed. The order under appeal dated 03.05.2016 is set aside and the matter is remitted to the learned Single Judge to decide the same afresh and in accordance with law. Since the respondent is a retiree and recovery has already been effected, we request the learned Single Judge to make an endeavour to decide the writ petition within three months.

[3] Parties are directed to appear before the learned Single Judge on 09.10.2018.

[4] It is made clear that we have not expressed any views on the merits of the case and the parties shall be at liberty to raise their respective pleas before the learned Single Judge.

**(SURYA KANT)
JUDGE**

September 25, 2018
meenuss

**(SUDIP AHLUWALIA)
JUDGE**

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

**Yes/No
Yes/No**