

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

LPA No.2172 of 2017 (O&M)

Date of Decision: 02.08.2018

Kesar Singh

...Appellant

VS.

State of Punjab & Ors.

... Respondents

**Coram : Hon'ble Mr.Justice Surya Kant
Hon'ble Mr.Justice Sudip Ahluwalia**

Present: Mr. Mohit Jaggi, Advocate for the appellant

SURYA KANT J. (Oral)

(1) This Letters Patent Appeal is directed against the order dated 24.10.2016 whereby learned Single Judge dismissed the appellant's writ petition and has upheld the order vide which his 'provisional pension' was stopped on account of his conviction in a criminal case registered under Section 465, 471, 120-B IPC and Section 13(1)(d) read with Section 13(2) of the Prevention of Corruption Act, 1988.

(2) Though there is a delay of 278 days in filing the appeal and there is hardly any justifiable explanation to enable this Court to condone the same, nevertheless, we have heard learned counsel for the appellant on merits.

(3) It is undeniable that pursuant to the case registered by the State Vigilance Bureau, the appellant has been convicted in corruption case on 24.03.2014 though his criminal appeal is stated to be pending before this Court in which sentence has been suspended.

(4) As a result of the appellant's conviction, he was served with show cause notice dated 01.08.2014 as to why the provisional pension sanctioned in his favour be not stopped in terms of Rule 2.2(a) of the Punjab

Civil Services Rules, Vol.-II, Part-II which provides that “*future good conduct is an implied condition of every grant of pension...*” and that “*...in a case where a pensioner is convicted of a serious crime, action shall be taken in the light of the judgment of the Court relating to such conviction*”.

(5) There is no gainsaying that conviction of a Government employee under the Prevention of Corruption Act amounts to ‘serious crime’ and a ‘grave misconduct’. Keeping that in view, the decision taken by the competent authority to stop the pension in exercise of its powers which are expressly vested under the Rules, calls for no interference by this Court as has been rightly held by the learned Single Judge.

(6) It is equally well-settled that mere pendency of criminal appeal or suspension of sentence is no ground to restore pension or other retiral benefits. Learned Single Judge has already observed that in the event of appellant’s exoneration in the criminal appeal, he would be entitled to all the benefits.

(7) Dismissed.

(Surya Kant)
Judge

02.08.2018

vishal shonkar

(Sudip Ahluwalia)
Judge

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

Yes
No