

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

LPA-22-2017 (O&M)

Date of decision: - 04.09.2018.

Swaran Kaur Kalia

...Appellant

Versus

State of Punjab and another

...Respondents

CORAM : HON'BLE MR. JUSTICE MAHESH GROVER
HON'BLE MR. JUSTICE MAHABIR SINGH SINDHU

Present:- Mr. Vikas Kuthiala, Advocate, for the petitioner.

Mr. Suveer Sheokand, Addl. A.G., Punjab.

MAHESH GROVER, J. (ORAL)

CM-30-LPA-2017

In view of the reasons mentioned in the application, 94 days
delay in filing of present appeal is condoned.

CM stands disposed of.

CM-31-LPA-2017

Application is allowed, as prayed for.

Main Case

Present Letters Patent Appeal is directed against the
judgment of learned Single Judge dated 03.08.2016.

Appellant during the course of his service suffered three
punishments. In the first punishment he was awarded a 5% cut in the
pension for a period of one year, whereas second and third punishment
carried a cut of 5% and 10% respectively, but the period was not
assigned.

Learned Single Judge while referring to Rule 2.2(b) of the Punjab Civil Services Rule, interpreted it to mean that wherever the period for enduring the cut in pension is prescribed, the same obviously would expire after the defined period, but where it is not done so, by the disciplinary authority it shall be construed to be a permanent in character.

After hearing the learned counsel for the parties, we are of the opinion that we would not like to lend any credence to such an ambiguity. When two separate words are used in the rules obliging the disciplinary authority to award a cut in pension either permanently or for a specified period, the same should be set out distinctly in the punishment order. Cut in pension obviously is a serious inflictment with equally serious consequences. Therefore, it should not be left to the ambiguous interpretation by reading into the intention of the punishing authority.

We therefore deem it appropriate to accept the appeal and direct the disciplinary authority to define the period of cut in pension while retaining the percentage of cut, which has already been set out in the earlier order.

In view of above, the present appeal is allowed.

Needful be done as expeditious as possible, preferably within a period of three months, from the date of receipt of certified copy of this order.

(MAHESH GROVER)
JUDGE

(MAHABIR SINGH SINDHU)
JUDGE

September 04, 2018
naresh.k

Whether reportable?

No

Whether reasoned/speaking?

Yes