

Sr. No.106

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

CWP-8208 of 2020 (O&M)

Date of Decision: 18.06.2020

Sohan Singh

...Petitioner

Versus

State of Punjab and others

... Respondents

CORAM:- HON'BLE MR. JUSTICE ARUN MONGA

Present:- Ms. Alka Chatrath, Advocate,
for the petitioner.

Ms. Anu Pal, DAG, Punjab.

ARUN MONGA, J. (ORAL)

Inter alia contends that as per Rule 2.2 (a) of the Punjab Civil Services Rules, Volume II, even if the conviction by the trial Court attains finality, even though in this case appeal is still pending, yet the entire pension of the petitioner cannot be stopped/withheld. In the worst case scenario, contends the learned counsel, only up to 1/3 rd of the pension can be withheld. Notwithstanding, the petitioner's entire pension has been stopped since February, 2019 and he is living in penury ever since. His problems have been compounded during the current difficult times owing to the pandemic/lockdown.

2. Learned counsel for the petitioner also relies on a judgment rendered by this Court passed in CWP No.22174 of 2015 contained at Annexure P-11 in support of her arguments. She submits that the petitioner also caused a legal notice to the competent authority and the same too has not been adverted till date and hence the writ petition before this Court.

3. Notice of motion.

4. Ms. Anu Pal, DAG Punjab, who has joined proceedings, on service of advance copy of petition, accepts notice on behalf of the respondents and seeks time.

5. Given the nature of order being passed, this Court feels that at this stage, there is no necessity to seek return by any of the respondents as no further proceedings and/or pleadings are required.

6. The writ petition is disposed of with a direction to the competent authority to pass a speaking order within a period of six weeks from today, in order to mitigate the grievance of the petitioner as noted by this Court in the preceding part of this order. While passing the speaking order, the competent authority shall look into the contentions as mentioned in the legal notice and also the averments contained in the present writ petition by treating the same as supplementary representation.

7. In the event the competent authority feels that Rule 2.2 ibid and the judgment contained at Annexure P-11 are not applicable to the case of the petitioner, specific reasons thereof shall be recorded qua its non-applicability.

8. At the same time, in the event petitioner is found to be entitled to the benefit of interpretation of Rule 2.2, as canvassed by learned counsel for the petitioner read with judgment contained at Annexure P-11, then admissible benefits thereof shall be remitted to the petitioner within a period of 45 days of passing of the speaking order.

9. Disposed of in above terms.

(ARUN MONGA)
JUDGE

18.06.2020
vandana

Whether speaking/reasoned

Yes/No

Whether Reportable

Yes/No