

CWP No.13209 of 2018  
Date of Decision: 02.03.2020

Jai Narayan Godara

.....Petitioner

Versus

State of Haryana

.....Respondent

**CORAM: HON'BLE MS. JUSTICE NIRMALJIT KAUR**Present: Mr. P.S. Jammu, Advocate  
for the petitioner.

Mr. Gaurav Jindal, Addl. Advocate General, Haryana.

**NIRMALJIT KAUR, J. (ORAL)**

The present writ petition is filed for setting aside the order dated 21.05.2015 (Annexure P-6), vide which, respondent No.1 has ordered the withdrawal of the provisional pension granted to the petitioner during the pendency of the criminal case.

While praying for setting aside the order dated 21.05.2015, learned counsel for the petitioner has relied on the judgment rendered of this Court in the case of Gurcharan Singh Vs. State of Punjab and others, CWP No.9231 of 2013, decided on 06.08.2013, to contend that the respondent is required to re-decide the question of stopping the provisional pension as the appeal against the order of conviction is still pending and his conviction is still not final. It is further stated that his sentence has been suspended during the pendency of the appeal. Secondly, the petitioner is suffering from stomach cancer and lenient view should be taken.

Heard.

It is not disputed that the petitioner has since been convicted under Section 7 of The Prevention of Corruption Act, 1988 (for short, PC

Act.) for one year. It is also not disputed that the petitioner was getting provisional pension during the time, the trial was going on. Admittedly, the impugned order has been passed after the order of conviction. As per Rule 2.2 (b) of the Punjab Civil Services Rules, the Government reserves the right to withdraw pension or any part of it whether permanently or for a specify period. Further as per Rule 2.2 (a), the Government can also withhold or withdraw the whole and any part of the pension under this rule.

In the present case, the petitioner has been convicted under Section 7 of the P.C. Act. In these circumstances, the decision of the respondent in withholding the entire pension cannot be faulted with. The judgment relied on by learned counsel for the petitioner does not help as the petitioner in the said case was convicted under IPC Act and not under the P.C. Act.

No doubt, the appeal is pending but the conviction has not been stayed.

Accordingly, the present writ petition is dismissed being devoid of any merit.

**02.03.2020**  
*sandeep*

**(NIRMALJIT KAUR)**  
**JUDGE**

|                           |   |        |
|---------------------------|---|--------|
| Whether Speaking/Reasoned | : | Yes/No |
| Whether Reportable        | : | Yes/No |