

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

Sr. No.204

**CWP-23407-2018 (O&M)**  
**Date of decision : 22.2.2021**

Tarlochan Singh

..... Petitioner

VERSUS

State of Punjab and others

..... Respondents

**CORAM: HON'BLE MR. JUSTICE SUDHIR MITTAL**

Present: Mr. H.S. Batth, Advocate, for the petitioner.

Mr. Charanpreet Singh, AAG, Punjab.

Mr. Barjesh Mittal, Advocate, for respondent No.4.

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**SUDHIR MITTAL, J. (Oral)**

The petitioner retired from the post of Assistant Sub Inspector (ASI) on 31.3.2018. Prior to his superannuation, he had filled up the pension papers. Benefit of earned leave was released to him vide order dated 6.4.2018 and commutation payment order dated 14.5.2018 was issued, thereafter. Vide order of the same date, gratuity payment order was also issued. A month later, the petitioner submitted a representation dated 13.6.2018 to the third respondent stating that he had signed the papers regarding commutation of pension, inadvertently and thus, his pension be restored. He was not interested in getting his pension commuted. The third respondent being the pension paying authority forwarded all the relevant documents to the office of the Accountant General, Punjab (fourth respondent) vide communication dated 26.6.2018 for re-drawing the PPO. His case has been rejected by the office of the Accountant General, Punjab, vide order dated 16.8.2018 on the ground that Rule 11.17 of the Punjab Civil Services Rules (Vol. II) does not permit rescission of order of commutation of pension.

Learned counsel for the petitioner has argued that commuted value of pension has not been received by the petitioner and the same is lying in the Treasury. The application for commutation of pension was signed inadvertently by the petitioner and in case, a fresh pension payment order is issued without commutation of pension, no prejudice would be caused to the State.

Learned State counsel as well as learned counsel for respondent No.4 have submitted that the situation is governed by Rule 11.17 of the Punjab Civil Services Rules (Vol. II). Thus, order of commutation of pension cannot be rescinded.

Rule 11.17 of the Punjab Civil Services Rules (Vol. II) is reproduced below:-

“11.17 :- A commutation once applied for, sanctioned and given effect to, cannot be rescinded, i.e. the portion of a pension commuted cannot be restored on refund of the capitalized value.”

A perusal thereof shows that once commutation has been sanctioned and given effect to, it cannot be rescinded on refund of the capitalized value. There is no dispute that the petitioner had applied for commutation of pension and the same stood sanctioned vide order dated 14.5.2018. Pension payment order was accordingly, issued and directions were given to the District Treasury Officer, Tarn Taran, to release the commuted pension. It is only thereafter that the petitioner sought for restoration of full pension. Thus, learned counsel for the fourth respondent is justified in submitting that the matter is covered by the aforementioned Rule and cannot be re-opened.

In my considered opinion, principles of equity cannot be applied, where a situation is governed by statutory Rules. In interpretation of such Rules, equity may play some part, but the case in hand does not provide any opportunity for interpretation. Rule 11.17 refer to hereinabove covers the case in hand.

In view of the aforementioned reasons, the writ petition has no merit and is dismissed.

(SUDHIR MITTAL)  
JUDGE

22.2.2021  
Ramandeep Singh

Whether speaking / reasoned

Yes / No

Whether Reportable

Yes/ No