

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

(272)

CWP-855-2021

Date of Decision : May 25, 2022

Dilbag Singh

.. Petitioner

Versus

State of Haryana and others

.. Respondents

(2)

CWP-881-2021

Sher Singh

.. Petitioner

Versus

State of Haryana and others

.. Respondents

(3)

CWP-882-2021

Jit Ram Khokhar

.. Petitioner

Versus

State of Haryana and others

.. Respondents

(4)

CWP-883-2021

Ajit Singh Sangwan

.. Petitioner

Versus

State of Haryana and others

.. Respondents

CWP-855-2021 and other connected cases		2
(5)	CWP-884-2021	
Kailash Kaushik		.. Petitioner
Versus		
State of Haryana and others		.. Respondents
(6)	CWP-902-2021	
Anar Singh Tehlan		.. Petitioner
Versus		
State of Haryana and others		.. Respondents
(7)	CWP-904-2021	
Yogesh Kumar Sharma		.. Petitioner
Versus		
State of Haryana and others		.. Respondents
(8)	CWP-916-2021	
Mahabir Singh		.. Petitioner
Versus		
State of Haryana and others		.. Respondents
(9)	CWP-924-2021	
Nirmal Devi		.. Petitioner
Versus		
State of Haryana and others		.. Respondents

CWP-855-2021 and other connected cases **3**

(10) **CWP-920-2021**

Sudha Sachdeva and others **.. Petitioners**

Versus

State of Haryana **.. Respondent**

(11) **CWP-1315-2021**

Madan Lal Kalra **.. Petitioner**

Versus

State of Haryana through its Additional Chief Secretary, Government of Haryana **.. Respondent**

(12) **CWP-1323-2021**

Veer Bhan Mehta **.. Petitioner**

Versus

State of Haryana through its Additional Chief Secretary, Government of Haryana **.. Respondent**

(13) **CWP-1799-2021**

Pushkar Mal Verma **.. Petitioner**

Versus

State of Haryana and others **.. Respondents**

(14) CWP-1743-2021

Sangeeta .. Petitioner

Versus

State of Haryana and others .. Respondents

(15) CWP-1794-2021

Kanta Sharma and another .. Petitioners

Versus

State of Haryana .. Respondent

(16) CWP-8196-2021

Maman Chand Sharma .. Petitioner

Versus

State of Haryana and others .. Respondents

CORAM: HON'BLE MR. JUSTICE HARSIMRAN SINGH SETHI

Present: Mr. Akshay Bhan, Senior Advocate, with
Mr. Alok Mittal, Advocate and
Mr. Akhilesh Barak, Advocate, for the petitioner(s)
in CWP Nos. 855, 881 to 884, 902, 904, 916 and 924 of 2021.

Mr. Arjun Partap Atma Ram, Advocate, with
Mr. Bhagoti Singh, Advocate,
for the petitioners in CWP No.920-2021.

Mr. Rakesh Nagpal, Advocate, for the petitioner(s)
in CWP Nos. 1315 and 1323 of 2021.

Mr. R.K. Doon, Advocate, for the petitioner,
in CWP No.1743 of 2021.

Mr. Sunil Panwar, Advocate, for the petitioners,
in CWP No.1794 of 2021.

Mr. Sandeep Kotla, Advocate, for the petitioner,
in CWP No.1799 of 2021.

None for the petitioner in CWP No.8196-2021.

Mr. Jagbir Malik, Additional Advocate General, Haryana.

Mr. Harneet Singh Oberoi, Advocate, for respondent No.3,
in CWP No.855 of 2021.

Mr. A.P.S. Sekhon, Advocate, for respondent No.3,
in CWP No. 881 of 2021.

HARSIMRAN SINGH SETHI J. (ORAL)

By this common order, sixteen writ petitions, the details of which have been given in the heading of the order, are being disposed of as the similar question of law is raised in these petitions.

Learned senior counsel appearing on behalf of the petitioners submits that the impugned order, which has been passed by the respondents by invoking the Rule 2.2 A of the Punjab Civil Services Rules Volume II, is contrary to the said rule itself as the said rule does not give power to the respondents-State to withhold the complete pension of an employee even after conviction. Learned senior counsel for the petitioners further submits that even while passing the order, a consideration has to be given upon the role of an employee, as detailed in the order of conviction.

Learned senior counsel relies upon the judgment of this Court in ***CWP No.24736 of 2017 titled as Prem Chand Dhand versus State of Punjab and another, decided on 01.12.2018***, wherein, Rule 2.2 A has been interpreted to mean that the department, even on a conviction after the

retirement, does not have power to withhold the 100% pension of an employee.

Faced with this situation, learned counsel for the respondents submits that he has instructions to submit that the impugned orders in the present petitions be treated as withdrawn with liberty to pass a fresh order in accordance with law and in case, the petitioners pray for the grant of personal hearing, the same will also be given to the petitioners while passing a fresh order.

Learned senior counsel for the petitioners submits that as the impugned orders have been withdrawn by the respondents with liberty to pass a fresh order, the present petitions may kindly be disposed of having been not pressed any further as no grievance of the petitioners survives in the present petitions as of now.

Ordered accordingly.

A photocopy of this order be placed on the files of other connected cases.

May 25, 2022
harsha

(HARSIMRAN SINGH SETHI)
JUDGE

Whether speaking/reasoned : Yes
Whether reportable : No