

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

(212)

CWP-18910-2014

Date of Decision : May 12, 2022

Shingara Singh

.. Petitioner

Versus

State of Punjab and others

.. Respondents

CORAM: HON'BLE MR. JUSTICE HARSIMRAN SINGH SETHI

Present: Mr. T.S. Chauhan, Advocate, for the petitioner.

Ms. Anju Arora, Additional Advocate General, Punjab.

HARSIMRAN SINGH SETHI J. (ORAL)

Learned counsel for the petitioner submits that in the present case, the punishment which has been imposed upon the petitioner vide impugned order dated 20.12.2009 (Annexure P-11), is 15% cut in pension for the rest of the life), which order is contrary to the settled principle of law settled by the Division Bench of this Court in ***CWP No.568 of 2013 titled as Jagdish Mitter versus Central Administrative Tribunal and others, decided on 19.05.2014.***

Learned counsel for the respondents-State submits that though as per the judgment in ***Jagdish Mitter's case (supra)*** cut in pension cannot be imposed for life but the Department be given liberty to impose any alternative punishment upon the petitioner in case punishment already imposed, is contrary to the settled principle of law, by passing a fresh order.

Keeping in view the above, as learned State counsel has undertaken to pass a fresh order, the impugned order dated 20.12.2009 (Annexure P-11) is set aside and the respondents are given liberty to pass appropriate order afresh with regard to the imposition of punishment as permissible under the Rules coupled with the settled principle of law.

Though, the impugned order has been withdrawn but recovery already done from the petitioner be retained by the respondents themselves till the passing of the fresh order. After the fresh order is passed, in case the petitioner is found entitled for refund of any amount, the same will be done within a period of two months of the passing of the said order.

The present petition is disposed of in above terms.

May 12, 2022
harsha

(HARSIMRAN SINGH SETHI)
JUDGE

Whether speaking/reasoned : Yes/No
Whether reportable : Yes/No