

CM-18119-CWP-2021 in/and
CWP-19586-2017

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

CM-18119-CWP-2021 in/and
CWP-19586-2017
Date of Decision: 05.04.2022

Satya Devi

..... Petitioner

Versus

State of Punjab and others

..... Respondents

CORAM: HON'BLE MR. JUSTICE HARSIMRAN SINGH SETHI

Present: Mr. Balraj Singh Dhull, Advocate,
for the applicant/petitioner.

Ms. Anju Sharma Kaushik, DAG, Punjab.

HARSIMRAN SINGH SETHI J. (ORAL)

The present petition has been filed challenging order dated 15.12.2016 (Annexure P-4), passed by respondent No.4, vide which prayer of the petitioner for reservation of his pension has been declined.

Learned counsel for the petitioner argues that the petitioner was working in the Health Department of the Government of Punjab and retired from the post of Sweeper on 31.08.2014. At the time of retirement, the petitioner was facing the criminal proceedings in FIR No.41, dated 20.02.2011 and vide order dated 18.12.2014, the petitioner was convicted in the said FIR and was awarded rigorous imprisonment for a period of two years and further to pay fine. The said order is under challenge in CRA-S-130-SB-2015 and the petitioner is on bail as of now.

Learned counsel for the petitioner submits that keeping in view

the conviction of the petitioner in a criminal case, i.e. FIR No.41, dated

20.02.2011, the respondents stopped the pension of the petitioner after her retirement on 31.08.2014, though there did not exist any jurisdiction with the respondents to stop 100% of pension of the petitioner after her retirement even in the case of conviction. Learned counsel for the petitioner further submits that the said question of law has already been decided by this Court while passing order in CWP-22174-2015, titled as “***Darshan Singh Vs. State of Punjab and others***” on 19.12.2018, according to which, keeping in view the rules governing the service, 100% of the pension cannot be stopped.

Learned State counsel concedes the factum that the case of the petitioner is governed by the judgment passed by this Court in **Darshan Singh's case** (supra) and has no objection in case the present petition is also disposed of in the same terms and conditions.

Keeping in view the above, as agreed between the parties, the present petition is disposed of in the terms of the judgment passed by this Court in **Darshan Singh's case** (supra).

05.04.2022
Apurva

(HARSIMRAN SINGH SETHI)
JUDGE

1. Whether speaking/reasoned : Yes
2. Whether reportable : No