

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

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2023:PHHC:151639

RSA-2270-2019

Date of decision: 29.11.2023

RAJ KUMAR

..Appellant

Versus

STATE OF PUNJAB AND OTHERS

..Respondents

CORAM: HON'BLE MR. JUSTICE ANIL KSHETARPAL

Present: Mr. P.S. Khurana, Advocate
for the appellant.

Mr. Vikas Arora, AAG, Punjab.

ANIL KSHETARPAL, J(Oral)

1. The appellant before this Court was working as a driver in the buses run by the Department of State Transport, Punjab. The bus met with an accident when the appellant was driving the vehicle. In a criminal case, he was convicted. The appellant was suspended and ultimately on the basis of judgment of conviction, his services were terminated. He filed a suit for grant of decree of declaration that the order terminating his services is wrong, illegal, unfair and unjust. Both the Courts dismissed the suit.

2. During the pendency of the present appeal, Director, State Transport, Punjab, has passed a fresh order on 23.11.2023. The punishment of termination of service has been converted into order of compulsory retirement with effect from the date of termination of his service i.e. 05.07.2012. He has been entitled to the pensionary benefits under Rule 5.32 of Punjab Civil Service Rules, Volume II.

3. A copy of the order has been produced, which is taken on record.

4. The learned counsel representing the appellant submits that in view of the subsequent development, he has instructions not to press this appeal.

5. While disposing of the appeal, a direction is issued to the respondent to release the pensionary benefits to the appellant, positively within a period of three months from the date of receipt of certified copy of the order.

6. All the pending miscellaneous applications, if any, are also disposed of.

November 29th, 2023

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**(ANIL KSHETARPAL)
JUDGE**

Whether speaking/reasoned : *Yes/No*

Whether reportable : *Yes/No*