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IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CWP-21031-2017 (O&M)
Date of Decision: 21.02.2023

AMRIK SINGH

....Petitioner(s)

Versus

PUNJAB STATE WAREHOUSING CORPORATION

.....Respondent(s)

CORAM: HON'BLE MR. JUSTICE JASGURPREET SINGH PURI

Present: Mr. J.P. Rana, Advocate, for the petitioner.

Mr. Abhishek Arora, Advocate for
Mr. Sumit Jain, Advocate, for the respondent.

JASGURPREET SINGH PURI, J. (Oral)

The present petition has been filed under Article 226/227 of the Constitution of India seeking a writ in the nature of *Certiorari* for quashing of impugned order dated 23.12.2014 (Annexure P-2).

Learned counsel for the petitioner has submitted that the petitioner had retired from the respondent-Corporation on 30.04.2013 and he was already facing trial in a criminal case. Thereafter on his retirement no pension was released to him nor any provisional pension was released to him in violation of Rule 2.2 (b) of Punjab Civil Services Rules Vol.II. He submitted that after his retirement i.e. on 27.11.2014, he was convicted and thereafter the impugned order Annexure P-2 has been passed whereby it has been so directed that the pension of the petitioner be withheld. He submitted that before passing such an order neither any show-notice was

given nor any opportunity of hearing was given to the petitioner and has referred to a judgment passed by a Co-ordinate Bench of this Court in ***Ramesh Kumar Versus State of Punjab and others, 2015(3) SCT 534*** to contend that without issuing show-cause notice to the petitioner or affording any opportunity no such order could have been passed. He has also relied upon a judgment passed by a Co-ordinate Bench of this Court in ***Sardara Singh Versus State of Punjab and others, 2016(3) PLR 341*** and has submitted that in view of the above, the present order is liable to be quashed and he has no objection in case the matter is remanded back to the competent authority to pass a fresh order in accordance with law.

On the other hand, learned counsel appearing on behalf of the respondent-Corporation has submitted that there were some disciplinary proceedings pending against the petitioner but he is not aware as to what was the outcome of the aforesaid disciplinary proceedings.

I have heard the learned counsel for the parties.

The impugned order Annexure P-2 has been passed without affording any opportunity of hearing to the petitioner and no justification has come forth as to why the provisional pension was not sanctioned immediately after the retirement of the petitioner because at that time he was not facing any conviction.

In view of the above, the present petition is partly allowed. The impugned order dated 23.12.2014 (Annexure P-2) qua the petitioner is set aside. The Competent Authority/respondents shall pass a fresh order after following due process and giving opportunity of hearing to the petitioner

within a period of one month from today.

Needless to say that the order shall be well-reasoned order and
in accordance with the statutory provisions.

21.02.2023
rakesh

(JASGURPREET SINGH PURI)
JUDGE

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