

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

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CWP-3883-2018

Date of Decision: 28.08.2023

Chanan Singh

.... Petitioner

Versus

State of Punjab and others

.... Respondents

CORAM: HON'BLE MR. JUSTICE SANJEEV PRAKASH SHARMA

Present: Ms. Himani Kapila, Advocate
for the petitioner.

Mr. R.K. Kapoor, Addl. A.G., Punjab.

SANJEEV PRAKASH SHARMA, J (ORAL)

1. Admittedly, the petitioner was convicted under Sections 409 and 477-A IPC for three years with fine of Rs.2,000/- each, vide judgment dated 10.11.2014 passed by the Sub Divisional Judicial Magistrate, Zira. The petitioner had attained superannuation on 31.10.2014 and Treasury Officer while issuing retirement order stated that his retirement shall be subject to the final outcome of the criminal case pending before the Court.

2. Taking into consideration the aforesaid facts, the earlier dismissal order passed by the respondents was withdrawn and invoking provisions of Rule 2.2(A) of the Punjab Civil Services Rules Volume-II, the State Government has withheld the full pension of the petitioner including death-cum-retirement gratuity and other retiral benefits. The amount lying credited in GPF account was however released. The amount with the Group Insurance Scheme was also released.

3. Learned counsel for the petitioner submits that the conviction in the criminal case is pending in the appeal and thereafter, a criminal revision is pending. She further submits that the order of withholding the complete pension is wrongful and if the petitioner is acquitted, he would be entitled for complete pension.

4. I have heard learned counsel for the petitioner at length and have considered the submissions.

5. As on date, the order of conviction is in force as against the petitioner. Keeping in view the provisions of Article 311(2) of the Constitution of India, the petitioner was not required to be given any notice before invoking the powers of withholding of pension under Rules 2.2(A) of the Punjab Civil Services Rules Volume-II which requires future good conduct is an implied condition of every grant of pension. Moreover, the criminal case and conviction registered against the petitioner is for embezzlement with the Government.

6. Keeping in view the above, no ground is made out to interfere in the present petition and accordingly, the same is dismissed.

28.08.2023

D.Bansal

(SANJEEV PRAKASH SHARMA)
JUDGE

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