

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

CWP-25825-2022

Date of decision : 06.02.2023

Gurmeet Singh

....Petitioner

Versus

State of Punjab and others

....Respondents

CORAM: HON'BLE MR. JUSTICE PANKAJ JAIN

Present : Mr. Mukesh Arora, Advocate
for the petitioner.

PANKAJ JAIN, J. (ORAL)

Petitioner seeks writ in the nature of mandamus directing the respondents to make payment of pension to the petitioner in accordance with Rule 2.2(b) of the Punjab Civil Services Rules, Volume I.

Petitioner who was working as Constable was dismissed from services on 9th of June, 2011. The appeal preferred by the petitioner against the same also stands rejected vide order dated 2nd of June, 2020 placed on record at Annexure P-2. Present writ petition has been filed relying upon Rule 2.2(b) of the Punjab Civil Services Rules to claim that the petitioner would be entitled for pension despite dismissal and pension cannot be deducted more than 1/3rd as provided under the provisions.

I have heard counsel for the petitioner and have gone through records of the case.

The contention raised is misconceived and misplaced. Rule 2.2 cannot be invoked after the services of the petitioner had already been dismissed. Rule 2.2 governs the field wherein there is a disciplinary proceeding pending against the petitioner at the time of retirement. Admittedly, in the present case services of the petitioner stand dismissed on 9th of June, 2011. Resultantly, no relief can be granted to the petitioner. Writ Petition is ordered to be dismissed.

February 06, 2023
Dpr

(PANKAJ JAIN)
JUDGE

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