



IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

(233)

CWP No. 1947 of 2024
Date of Decision : 25.10.2024

Lehmbar Ram

...Petitioner

Versus

State of Punjab and others

...Respondents

CORAM: HON'BLE MR. JUSTICE HARSIMRAN SINGH SETHI

Present: Mr. Dharam Pal, Advocate for the petitioner.
Mr. Satnam Preet Singh, Deputy Advocate General, Punjab.

Harsimran Singh Sethi J. (Oral)

Learned counsel for the petitioner submits that the question of law which has been raised in the present petition that whether after the retirement, in case an employee is convicted by a Competent Court of Law in a criminal case, 100% pension can be stopped or not has already been answered by this Court while passing order in CWP No. 24736 of 2017 titled as ***Prem Chand Dhand Vs. State of Punjab and another***, decided on 01.12.2018 but, still in an order which has been passed by the respondents after the said judgment, 100% pension has been withdrawn vide order dated 08.12.2023 (Annexure P-9) which is arbitrary and illegal as the same is contrary to the rules governing the service qua conviction of an employee by Competent Court of Law in a criminal case after retirement.

Learned counsel for the respondents has not been able to rebut the fact that the question of law raised in the present petition has already been



answered while passing order in ***Prem Chand Dhand (supra)***. Learned counsel for the petitioner further submits that by placing reliance upon the judgment in ***Prem Chand Dhand (supra)*** another petition being CWP No. 22435 of 2018 titled as ***Triloki Nath Sharma Vs. State of Punjab and others***, decided on 25.05.2022 granting the same benefit, hence, the impugned order is liable to be set-aside.

Learned counsel for the respondents has not been able to dispute the legal aspect keeping in view the rules governing the service and the applicability of same in the present case.

The present petition is also allowed in terms of ***Triloki Nath Sharma (supra)***. The impugned order dated 08.12.2023 (Annexure P-9) is set-aside. Further, liberty is given to the respondent-State to pass a fresh order in accordance with law and the rules governing the service as interpreted by this Court in ***Prem Chand Dhand (supra)***.

Let the fresh order be passed within a period of eight weeks of the receipt of copy of this order and after the passing of fresh order, whatever the relief the petitioner is found entitled for, be released to him.

Petition is allowed in above terms.

October 25, 2024
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(HARSIMRAN SINGH SETHI)
JUDGE

Whether speaking/reasoned : Yes

Whether reportable : No