

IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

116

CWP-3774-2024 (O&M)
Date of decision: 14.03.2024

Rajiv Kumar

....Petitioner

Versus

State of Punjab and Others

...Respondents

CORAM: HON'BLE MR. JUSTICE AMAN CHAUDHARY

Present : Mr. Narinder Pal Sharma, Advocate for the petitioner

Mr. Swapan Shorey, DAG Punjab

AMAN CHAUDHARY. J.

1. The present civil writ petition has been filed under Articles 226/227 of the Constitution of India for issuance of a writ in the nature of certiorari for quashing of the office order dated 13.09.2022 issued vide endorsement No.6/07/2022-3Estt.3/1905 dated 15.09.2022, whereby the provisional pension of the petitioner has wrongly been sanctioned @ 75% instead of 100%.
2. Learned counsel submits that as per Rule 9.14 of the Punjab Civil Services Rules, Volume 2, the petitioner is entitled to 100% provisional pension during the pendency of the criminal case but only 75% has been released. Even, the leave encashment has also been withheld, which is against Rules. He refers to a letter dated 27.12.2023 addressed to him by the office stating that the Department has demanded his service book CBI, which has not been sent.
3. At the asking of the Court, Mr. Ravi Kamal Gupta, Advocate appears for respondent No.3-CBI and has produced a list of documents that includes the

original service book of the petitioner, which have been filed along with the final report under Section 173 Cr.P.C.

4. Learned State counsel upon instructions submits that an appropriate application will be filed to get a photocopy of the service book from the Court concerned, on receipt thereof, the claims of the petitioner would be considered expeditiously in terms of the rules.

5. This satisfies the learned counsel for the petitioner.

6. In view of the aforesaid statement, the present petition stands disposed of.

(AMAN CHAUDHARY)
JUDGE

14.03.2024

M.Kamra

Whether speaking/reasoned : Yes / No

Whether reportable : Yes / No