



IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

207

CWP-311-2000 (O&M)
Date of Decision : 13.08.2024

O.P. Gupta

.. Petitioner

Versus

State of Punjab and another

.. Respondents

CORAM: HON'BLE MR. JUSTICE HARSIMRAN SINGH SETHI

Present: None for the petitioner.

Mr. Charanpreet Singh, DAG, Punjab.

HARSIMRAN SINGH SETHI J. (ORAL)

1. In the present petition, the challenge is to the order (P-6) of punishment, whereby penalty of 10% cut in pension has been imposed upon the petitioner. The said order was stayed by Division Bench of this Court on 07.09.2000. Once, the order of punishment was stayed, and the petitioner retired from service in the year 1988 i.e. 36 years ago, it is not known whether the petitioner is alive as of now or not.

2. Keeping in view the fact that once the petitioner has retired and will be around 90 years old, in case alive, allowing the respondents to recover the amount at this stage will cause him financial hardship, which will be contrary to the judgment of Hon'ble Supreme Court of India in ***State of Punjab and others Vs. Rafiq Masih (white washer)***, 2015(1) SCT 195,



hence, the respondents are directed, not to give effect to the impugned order any further.

3. The present petition is disposed of in the above terms.
4. All pending applications, if any, stand disposed of accordingly.

13.08.2024
Satyawan

(HARSIMRAN SINGH SETHI)
JUDGE

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