



CWP-24326-2018

-1-

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

224

CWP-24326-2018 (O&M)

Date of Decision :24.07.2024

Kulwant Singh

...Petitioner

Versus

State of Punjab and others

....Respondents

CORAM: HON'BLE MR. JUSTICE HARSIMRAN SINGH SETHI

Present: Mr. Fariad Singh Virk, Advocate for the petitioner.

Mr. Amar Preet Singh Bains, AAG, Punjab.

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Harsimran Singh Sethi, J. (Oral)

In the present petition, payer of the petitioner is for quashing of order dated 31.01.2013 (Annexure P/8) by which, after retirement, punishment of 1/3rd cut in pension for rest of life has been imposed upon the petitioner.

Learned counsel for the petitioner argues that the only charge against the petitioner was qua absence from duty and once, the charge is only qua absence from duty and there is no financial loss caused to the respondent-department, punishment of imposing 1/3rd cut in pension for the rest of life of the petitioner cannot be sustained in the eyes of law and the same is liable to be set aside.

Learned counsel for the respondents on the other hand submits that though, there was no irregularity on the part of the petitioner or any financial loss caused to the department but the petitioner remained absent



CWP-24326-2018

-2-

from duty for a period of more than two and half years for which, punishment of 1/3rd cut in pension for rest of life has rightly been imposed upon him.

I have heard learned counsel for the parties and have gone through the record with their able assistance.

Once, it is a conceded fact that the only charge alleged against the petitioner is that he remained absent from duty and there is no other allegation that he has caused any financial loss to the respondents, imposition of punishment of 1/3rd cut in pension for rest of his life is too harsh for a retired employee especially, when his total pension as calculated by the respondents is Rs.6975/-.

Further, in somewhat similar circumstances where, there was no financial loss caused to the employer, imposition of punishment of 5% cut in pension for rest of life is held to be disproportionate to the allegations alleged against the employee.

The Division Bench of this Court in **CWP-568-2013 titled as Jagdish Mitter vs. Central Administrative Tribunal and others, decided on 19.05.2014** has held that 5% cut in pension for rest of the life is disproportionate to the misconduct alleged and proved especially, when no monetary loss has been caused to the employer.

Keeping in view the above mentioned facts and the settled principle of law, order dated 31.01.2013 (Annexure P-8) is set aside with liberty to the respondents to pass an appropriate order so as to impose punishment, which is proportionate to the charges alleged and proved against the petitioner within a period of 03 months from the date of receipt

CWP-24326-2018 -3-

of copy of this order.

Present petition is allowed in above terms.

Civil miscellaneous application pending, if any is also disposed of.

July 24, 2024 (HARSIMRAN SINGH SETHI)
aarti JUDGE

Whether speaking/reasoned : Yes/No
Whether reportable : Yes/Nor