



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

Sr No.240

CWP- 25868-2021

Date of Decision:29.10.2024

GURCHARAN SINGH

...Petitioner

VERSUS

STATE OF PUNJAB AND OTHERS

...Respondents

CORAM: HON'BLE MR. JUSTICE HARSIMRAN SINGH SETHI

Present: Mr. P.K. Goklaney, Advocate for the petitioner

Mr. Swapan Shorey, DAG, Punjab

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HARSIMRAN SINGH SETHI, J.(ORAL)

In the present petition, a direction has been sought to quash the order dated 09.04.2019 (Annexure P-5) by which penalty of 5% cut in the pension of the petitioner for five years has been imposed, which is illegal and arbitrary.

Learned counsel for the petitioner submits that imposing penalty of 5% cut in the pension of the petitioner, without there being any financial loss to the respondents-State has already been held to be bad by the Division Bench of this Court while deciding in **LPA No. 1389-2017, titled as Major Singh Sandhu vs. State of Punjab and others, decided on 13.04.2023**, which judgment has been taken into account by this Court while passing order in **CWP No. 30894-2018, decided on 27.08.2024, titled as Prem Chand Chauhan vs. State of Punjab and others** and the claim of the petitioner in the present petition is covered by the judgment in **Prem Chand Chauhan's case (supra)**, as, there is no allegation of any misappropriation, embezzlement or causing loss to the State exchequer and



therefore cut in the pension having been upon the petitioner is liable to be set aside.

Learned counsel for the respondents-State has not been able to rebut the factual as well as legal position noticed herein before and to point out any differentiating fact so as not to apply the judgment in Prem Chand Chauhan’s case (supra) qua the petitioner.

Keeping in view the above, the claim of the petitioner is also allowed in terms of Prem Chand Chauhan’s case (supra) and the impugned order of cut in pension is hereby set aside. The benefit, which accrues to the petitioner on setting aside the impugned order i.e. refund of the deducted amount, be extended to the petitioner within a period of 08 weeks from the receipt of certified copy of this order.

(HARSIMRAN SINGH SETHI)
JUDGE

29.10.2024
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| 1. Whether speaking/reasoned? | Yes/No |
| 2. Whether reportable? | Yes/No |