



CWP-3864-2019

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

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CWP-3864-2019 (O&M)
Date of decision : 17.07.2025

DIDAR SINGH

..... Petitioner

VERSUS

THE PUNJAB STATE POWER CORPORATION LTD AND ORS

..... Respondents

CORAM : HON'BLE MR. JUSTICE DEEPINDER SINGH NALWA

Present :- Ms. Garima Arora, Advocate for
Mr. J. S. Jaidka, Advocate
for the petitioner.

Mr. Alok Mittal, Advocate
for respondents.

Deepinder Singh Nalwa, J. (Oral)

1. In the present writ petition, the petitioner has challenged the order dated 07.01.2019 (Annexure P-1), vide which the respondent authorities have imposed a 50% permanent cut in pension of the petitioner.

2. The brief facts of the case are that the petitioner was working on the post of Upper Division Clerk in Punjab State Power Corporation Limited (hereinafter referred to as 'the Corporation'). An FIR No.13 dated 06.08.2014 was registered under Sections 7, 13 (2) of the Prevention of Corruption Act. The allegation against the petitioner was that he had demanded Rs.15,000/- from the complainant, Ranjeet Singh. The petitioner retired on attaining the age of superannuation on 28.02.2017. As there were



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criminal proceedings pending against the petitioner, he was granted provisional pension at the time of his retirement.

3. The Petitioner was convicted in the above said FIR vide judgment dated 23.08.2018 (Annexure P-3). In pursuance of the said conviction, the respondent passed an order dated 07.01.2019 (Annexure P-1), whereby a 50% cut in pension on permanent basis was ordered. Aggrieved against the above said order dated 07.01.2019 (Annexure P-1), the petitioner has filed the present writ petition challenging the same.

4. Learned counsel appearing on behalf of the petitioner submits that there is no basis for imposing a 50% cut in pension on permanent basis. Reliance is placed on the judgment passed by the Division Bench of this Court in **LPA No.427 of 2013 titled 'Shankar Lal Vs. State of Haryana and others' decided on 12.11.2014**, and the judgment of the Co-ordinate Bench of this Court in **CWP No.4970 of 1988 titled 'Dr. Ishar Singh Vs. State of Punjab and another' decided on 12.01.1993**.

5. Learned counsel for the respondents submits that the impugned order has been passed on the basis of conviction under Rule 2.2 (b) of the Punjab Civil Services Rules Vol-II, as applicable to the petitioner. As such, the impugned order dated 07.01.2019 (Annexure P-1) is legal and valid.

6. After hearing learned counsel for the parties and going through the record, a perusal of the facts of the present case would show that the petitioner has been convicted vide judgment dated 23.08.2018 in pursuance of an FIR registered under the Prevention of Corruption Act. In regard to the order dated 07.01.2019 is concerned, it is relevant to refer to Rule 2.2(b) of



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the Punjab Civil Services Rules, Chapter II (hereinafter referred to as 'Rules'). The relevant extract of the rule is reproduced below for reference :-

“Rule 2.2

(b) The Government further reserve to themselves the right of withholding or withdrawing a pension or any part of it, whether permanently or for a specified period and the right of ordering the recovery from a pension of the whole or part of any pecuniary loss caused to Government, if, in a departmental or judicial proceeding, the pensioner is found guilty of grave mis-conduct or negligence during the period of his service, including service rendered upon re-employment after retirement.”

7. A perusal of above referred Rule 2.2 (b) of the Punjab Civil Services Rules would show that the Government reserves the right to withhold or withdraw any part of the pension, either permanently or for a specific period, if in a judicial or departmental proceeding the pensioner is found guilty of grave misconduct or negligence during the period of service. In the present case, a judicial proceeding/criminal proceeding was pending at the time of petitioner's retirement and the petitioner has been convicted in a criminal proceeding/judicial proceeding under the Prevention and Corruption Act, which clearly establish grave misconduct during the period of service of petitioner.

8. In light of Rule 2.2 (b) of the Punjab Civil Services Rules, the respondent can withhold any part of pension on permanent basis.

9. In regard to the reliance placed by learned counsel for the petitioner on the judgment passed in *Shankar Lal's case (supra)* is concerned, in the said judgment the Court was considering Rule 2.2. (a) of the Punjab Civil Services Rules. As such, the same will not be applicable in



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the present case as the impugned order has been passed under Rule 2.2. (b) of the Punjab Civil Services rules.

10. In regard to the judgment in *Dr. Ishar Singh's case (supra)* relied by the petitioner is concerned, it would show that the issue involved therein pertains to grant of provisional pension during the pendency of an inquiry. The facts of the present case are totally different. As such, the said judgment also would not be applicable to the facts of present case.

11. In view of above, taking into consideration the facts of the case and relevant rules, this Court finds no infirmity or illegality in the order dated 07.01.2019 and accordingly, the present writ petition is dismissed.

12. Pending applications, if any, shall also stand disposed of accordingly.

(DEEPINDER SINGH NALWA)
JUDGE

17.07.2025

Rimpal

Whether speaking/reasoned
Whether Reportable :

Yes/No
Yes/No