



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

106

CWP-29220-2025

Date of Decision: 29.10.2025

MOOL RAJ

...Petitioner

Vs.

STATE OF PUNJAB AND ORS.

...Respondents

CORAM:- HON'BLE MR. JUSTICE JAGMOHAN BANSAL

Present:- Ms. Rajinder Kaur, Advocate with
Mr. Dilpreet Kaur, Advocate and
Mr. Vaibhav Sehgal, Advocate
for the petitioner

Ms. Neha Sonawane, DAG, Punjab

JAGMOHAN BANSAL, J. (ORAL)

1. Short reply by way of affidavit of Mr. Iqbal Singh, PPS, Superintendent of Police, (HQ) SBS Nagar (Nawanshahr), District SBS Nagar filed on behalf of respondents is taken on record. Registry is directed to tag the same at an appropriate place.

2. On 29.09.2025 following order was passed by this Court:-

“1. The petitioner through instant petition under Articles 226/227 of the Constitution of India is seeking direction to respondents to release him provisional pension. He is further seeking direction to respondent to decide his representation dated 16.09.2025 in a time bound manner:

2. The petitioner, in 2019, was holding rank of Assistant Sub Inspector in Punjab Police. He came to be embroiled in FIR No.03 dated 23.01.2020 under Section 7 of Prevention of Corruption Act, 1988 (for short ‘PC Act’) registered at Police Station Vigilance Bureau, Ludhiana.

*The said FIR was registered on the complaint of Gurdeep Singh who was accused in FIR No.68 dated 26.04.2019 under Sections 195-A & 120-B of Indian Penal Code, 1860 at Police Station Sarabha Nagar, Ludhiana. Investigating Officer filed final report before the Trial Court. He faced trial. The Trial Court vide judgment dated 13.08.2024 convicted him under Section 7 of PC Act. He was sentenced to rigorous imprisonment of four years. He preferred CRA-S-2842-2024 before this Court which vide order dated 23.08.2024 suspended his sentence. He filed an application seeking stay of conviction. This Court issued notice in the said application for 09.12.2024. He preferred CWP No.27751 of 2024 before this Court seeking direction to respondents to permit him to join service. The said petition was withdrawn with liberty to approach the Court at an appropriate stage. The petitioner is entitled to provisional pension as per judgment of this Court in **Ajit Singh (deceased) through his L.R. Jasveer Kaur v. State of Punjab, 2021(3) SCT 665**. He has filed representation dated 06.09.2025 seeking provisional pension. He is sole bread earner of the family. He has to support 80 years old ailing mother, wife and two children.*

*3. Learned counsel for the petitioner submits that as per judgment of this Court in **Darshan Singh v. State of Punjab and others, 2018 SCC OnLine P&H 6905** and **Ajit Singh (supra)**, the petitioner is entitled to pension despite his conviction by Criminal Court and order of dismissal from service. The fact that neither order of dismissal from service has been set aside nor judgment of conviction has been either stayed or set aside is irrelevant. The petitioner may not be entitled to 100% pension and other retiral/terminal dues, however, he deserves to be paid provisional pension.*

4. Mr. Aman Dhir, Deputy Advocate General, Punjab, who on advance notice is present in Court on behalf of respondent-State, seeks short accommodation to file

response and address the arguments.

5. Adjourned to 29.10.2025.”

3. Learned State counsel pointed out judgments dated 19.05.2025 passed by this Court in *CWP-3993-2011* titled as ‘**Malook Singh (since deceased) through his LRs Vs. State of Punjab and Ors.**’ and 21.02.2025 passed in *CWP-14358-2025* titled as ‘**Raka Ghirra Vs. State of Punjab and Ors.**’, wherein this Court has clearly held that a Police Officer who has been dismissed from service cannot be extended pension. The petitioner herein not only has been dismissed from service but also stands convicted by Trial Court. His appeal is pending. Sentence has been suspended by this Court, however, conviction is not stayed.

4. Faced with aforesaid judgments and Rule 2.5 of Civil Services Rules Chapter II Volume II, learned counsel for the petitioner submits that respondents may be directed to consider petitioner’s application for compassionate allowance.

5. In the wake of afore-stated factual and legal position, the petition stands disposed of with liberty to petitioner to move an appropriate application for compassionate allowance. If the petitioner files such application, it would be addressed within six weeks from the date of filing.

6. Pending application(s), if any, stands disposed of.

(JAGMOHAN BANSAL)
JUDGE

October 29, 2025
Deepak DPA

Whether Speaking/reasoned
Whether Reportable

Yes/No
Yes/No