



IN THE HIGH COURT OF PUNJAB & HARYANA  
AT CHANDIGARH

119

CWP-33003-2024 (O&M)

Date of decision: 15.01.2025

Rasal Singh

...Petitioner

VERSUS

Union of India and others

...Respondents

**CORAM : HON'BLE MR. JUSTICE VINOD S. BHARDWAJ**

Present :- Mr. Sonu Bhatia, Advocate for  
Mr. Madhav Pokhrel, Advocate for the petitioner.

Mr. Narender Kumar Vashist, Sr. Panel Counsel  
for the respondent-UOI.

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**VINOD S. BHARDWAJ, J. (Oral)**

Prayer in the present petition is for directing the respondents for granting the pension and retirement gratuity to the petitioner under Rule 40 of the Central Civil Service (Pension) Rules, 1972 and in terms of the compulsory retirement order dated 23.09.2008.

Learned counsel appearing on behalf of the petitioner contends that the petitioner, Rasal Singh son of Sh. Shingara Singh, was enrolled in the service of Central Reserve Police Force on 30.08.1989 and he was posted at Group Centre, Pinjore, Haryana. In the year 1991, the petitioner was posted/transferred to the 84 Battalion, Faridkot, Punjab and later to 96 Battalion, Jammu and Kashmir. While being posted under the Commandant 96 Battalion, Central Reserve Police Force, the petitioner was served with a charge-sheet by the Commandant vide No.P.VIII-4/2008-96-Estt.-2 dated 29.03.2008 wherein the charges levelled against him were:- (i) while being



the member of the force he has disobeyed the orders/committed mis-conduct that being already married he entered into the second marriage; (ii) while being the member of the force he has disobeyed the orders/committed mis-conduct that he has entered into the second marriage without obtaining the prior permission from the department or without giving any intimation thereof. An Inquiry Officer was accordingly appointed to inquire into the charges that were conveyed to the petitioner vide the above memorandum of charges dated 29.03.2008.

During the pendency of the inquiry proceedings, the petitioner admitted the fact that he, despite being already married, entered into second marriage with Smt. Paramjeet Kaur. The act was justified on the ground that he was having no child from his earlier wife Smt. Gurdeep Kaur on account of her problem of infertility and that the second marriage had been entered into with the consent of his first wife. The Inquiry Officer however, vide his report dated 03.07.2008 reported the charges as proved against the petitioner whereupon vide order dated 23.09.2008 issued by the Commandant, 96 Battalion, the petitioner was awarded the punishment of compulsory retirement with immediate effect.

Counsel further contends that as per Rule 40 of the Central Civil Service (Pension) Rules, 1972, even where the punishment of compulsory retirement is imposed, the employee would still be entitled to admissible pension. The petitioner was hence eligible for full compensation in terms of pension and retirement gratuity under the aforesaid Rule, however, the same has not been released to him. He thus contends that the



petitioner is entitled to award of the pension alongwith the interest.

He further contends that even a legal notice dated 17.08.2024 was sent by the petitioner through a Registered Post on 09.09.2024 to which a reply dated 21.09.2024 was sent wherein the respondent-Department admitted the above said particulars of the petitioner as also awarding of the punishment of compulsory retirement. They have, however, remained evasive with respect to the entitlement of the petitioner for the grant of pension under Rule 40 of the Central Civil Service (Pension) Rules, 1972.

Vide order dated 09.12.2024, learned counsel appearing on behalf of the respondent-UOI was directed to seek instructions with respect to the amount (pension etc.) payable to the petitioner.

On resumed hearing, Senior Panel Counsel appearing on behalf of the respondent-UOI informs that the respondent-Department had sent a letter dated 07.05.2010 to the petitioner requiring him to furnish certain documents so that the pension could be released to him, however, the necessary documents had not been furnished and as a result thereof, the pensionary benefits could not be released. He further contends that in the event of the petitioner supplying the documents as required for processing his case for grant of pension and for release thereof, the necessary decision and follow-up action will be completed within a period of **03 months** thereafter. The details of the documents claimed to be sought for by the respondent are as under:-

“ Documents required to fill pension form

- *2 photocopies of the office order under which the personnel is retiring.*



- 3-3 photocopies of the employee's joint bank account passbook and cheque book (alongwith original).
- 2-2 photocopies of Aadhar/PAN card of the employee (alongwith original).
- 2-2 photocopies of Aadhaar/PAN card of the employee's wife (alongwith original).
- 2-2 photocopies of Aadhar card or birth certificate of all dependents of the employee (including married children).
- 2 identification marks of the employee's wife and a sample of signature at 3 places (in original).
- 6 copies of joint photo (passport size) of the employee with his wife.

*Note:1. Apart from the sub-service, it should also be ensured that the photocopies of all the documents are clear and readable.*

*2. Please also bring 02 plain file covers with you.”*

Learned counsel appearing on behalf of the petitioner submits that the petitioner shall approach the respondents alongwith all the above documents as asked for by the respondents and that his claim be decided expeditiously and in a time bound manner.

Counsel for respondent has no objection to the same.

In view of the aforesaid, the writ petition is disposed of with the consent of parties and without commenting on merits, with the following directions:

- (i) That the petitioner is at liberty to approach the respondents by submitting the necessary forms for release of pensionary benefits alongwith all the necessary documents as have been noticed above;



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- (ii) That upon submission of the documents noticed above alongwith the requisite statutory forms for release of pension, the respondent shall process the same and take necessary action for release of the admissible pensionary benefits to the petitioner and that the said dues shall be released within a period of 03 months of submission of complete forms alongwith the requisite documents; and
- (iii) It is made clear, in the event the admissible dues are not released to the petitioner in the time specified above, he shall be entitled to interest @12% per annum on the admissible dues from the date of filing of the present writ petition till the final disbursement of the amount.

Additionally, a penal liability of Rs. 50,000/- shall also be fastened upon the official(s) who are held responsible for causing delay in disbursement of the admissible dues. The said cost shall be liable to be deposited with the Poor Patient Welfare Fund (PPWF) of Post Graduate Institute of Medical Education & Research, Chandigarh.

Disposed of accordingly.

(VINOD S. BHARDWAJ)  
JUDGE

15.01.2025  
Mangal Singh

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