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

CWP-33039-2024

Date of Decision: 19.03.2025

SATISH KUMAR

..... Petitioner

Versus

SARVA HARYANA GRAMIN BANK AND OTHERS... Respondents**CORAM: HON'BLE MR. JUSTICE JAGMOHAN BANSAL**

Present : Mr. Ganesh Chand Sharma, Advocate
for the petitioner (Through V.C.).

Mr. Anurag Jain, Advocate with
Mr. Rahul Choudhary, Advocate and
Ms. Chahat, Advocate
for the respondents.

JAGMOHAN BANSAL, J. (Oral)

1. The petitioner through instant petition under Article 226 of the Constitution of India is seeking setting of:-

- (i) Chargesheet dated 13.11.2023 (Annexure P-2);
- (ii) Final punishment order dated 15.04.2024 (Annexure P-4);
and
- (iii) Order in appeal dated 21.08.2024 (Annexure P-6).

2. On 08.01.2025, the following order was passed:

“Inter alia contends that by impugned order, the respondent has awarded punishment of reduction of salary to a lower stage in time scale of pay for a period of 09 months and petitioner is going to retire in May’ 2025. As per impugned order, salary is not reduced with cumulative effect, however, it would take colour of cumulative effect because the petitioner is going to retire in May’ 2025. It would adversely affect pension as well as family pension because for the



purpose of calculation of pension, salary of last 10 months is considered. It will also affect gratuity and other benefits.

Mr. Anurag Jain, counsel for the respondent who on advance notice is present in Court, seeks time to get instructions with respect to aforesaid aspect.

Adjourned to 28.01.2025.”

3. Mr. Anurag Jain, Advocate for the respondents pointing out reply submits that it is factually correct that petitioner was awarded punishment of reduction of salary to a lower stage in time scale of pay for a period of 09 months and he is going to retire on 31.05.2025. The punishment awarded was not cumulative in nature. The aforesaid punishment is not going to affect his gratuity and leave encashment because these two benefits are calculated on the basis of last drawn salary and petitioner is going to draw normal salary at the time of his retirement. The period of punishment started w.e.f. 15.04.2024 and expired on 14.01.2025. There is about four months intervention period i.e. period from the date of expiry of punishment and date of retirement. During this period, the petitioner would get normal salary. It is factually correct that punishment would affect his pension because pension is determined on the basis of salary of 10 months preceding the date of retirement. The Rules governing the pension specifically provide that pension shall be calculated on the basis of average of preceding 10 months. The reduction of pension is natural consequence of awarded punishment, thus, petitioner cannot claim that awarded punishment has become cumulative. There is no challenge to Regulations 26 & 36 of Sarva Haryana Gramin Bank (Employees') Pension Regulations, 2018, thus, petitioner is bound to suffer.

4. This Court does not find any substance in the contention of



respondent that in the absence of challenge to Regulations, the natural effect should be given to awarded punishment and reduction of pension is consequential, thus, petitioner cannot claim that punishment has become cumulative. The punishment awarded was indubitably non-cumulative. The salary was reduced to a lower stage in time scale of pay for a period of 09 months. It was specifically mentioned in the punishment order that it would be non-cumulative. It is a matter of chance that petitioner has been awarded punishment on the verge of his retirement. It would become cumulative if pension is permitted to be reduced. It is trite law that one particular Rule or Regulation cannot be read in such a manner which would make another Rule or Regulation otiose or redundant. If the Regulations 26 & 36 are read in the manner as claimed by respondent, the punishment awarded would become cumulative whereas it was specifically awarded as temporary.

5. This Court finds it appropriate, without declaring the Regulations 26 & 36 invalid, to direct the respondent, in the peculiar facts and circumstances of the instant case, to calculate pension of the petitioner without considering punishment of reduction of salary. The petitioner has already suffered the punishment because period of punishment stands expired.

6. Allowed in the above terms.

(JAGMOHAN BANSAL)
JUDGE

19.03.2025
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Whether speaking/reasoned	Yes/No
Whether Reportable	Yes/No