

S U P R E M E C O U R T O F I N D I A
RECORD OF PROCEEDINGS

Petition(s) for Special Leave to Appeal (Civil) No.16164/2000

(From the judgement and order dated 10/01/2000 in RSA 4448/99
of The HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH)

PUNJAB STATE & ANR.

Petitioner (s)

VERSUS

PARSHOTAM LAL PURI

Respondent (s)

(With prayer for interim relief)

Date : 12/02/2001 This Petition was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE G.B. PATTANAIAK
HON'BLE MR. JUSTICE U.C. BANERJEE

For Petitioner (s)

Mr. Rajeev Kumar Sharma,Adv.

For Respondent (s)

Mr. M.K. Dua,Adv.

UPON hearing counsel the Court made the following
O R D E R

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.SP2

The State of Punjab is in appeal against the judgment of the Punjab & Haryana High Court. The respondent while working as District Treasury Officer, Gurdaspur, was reverted to the post of Treasury Officer. He however approached the High Court and obtained an order of stay. In the meantime, having superannuated, he is claiming the retiral benefits. The question whether the order of reversion is legal or illegal is the subject matter of a pending writ petition ...2

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before the High Court and until that is finalised, it would not be proper that he should get all his retiral benefits as District Treasury Officer. But, at the same time, he cannot be denied of his retiral benefits provisionally calculating the same on the reverted post, namely, Treasure Officer. In that view of the matter, we set aside the impugned order of

the High Court, directing the State Government to calculate provisional pension treating the respondent to have retired as District Treasury Officer. We substitute the same by directing that the same be calculated as if he retired as Treasury Officer and the amount so calculated be paid to him. In the event, he succeeds in the pending writ petition, the retiral benefits have to be recalculated. The High Court of Punjab & Haryana is requested to dispose of the pending writ petition at an early date. The special leave petition stands disposed of accordingly.

Be it stated that the respondent's pension shall be calculated on the basis that he retired as a Treasury Officer in full and no deductions should be made therefrom, as in the facts of the case, the Government is not entitled to withhold any part of the pension.

.SP1

(J.S. Rawat)
Court Master

(Suneet Bala Sharma)
Court Master