



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

**CWP No.7987 of 2025
Date of Decision: 21.03.2025**

Satpal Yadav

.....Petitioner.

Versus

Union of India and others

.....Respondents.

**CORAM: HON'BLE MR. JUSTICE SANJEEV PRAKASH SHARMA
HON'BLE MRS. JUSTICE MEENAKSHI I. MEHTA**

Present:- Mr. Parveen Kaushik, Advocate
for the petitioner.

SANJEEV PRAKASH SHARMA, J.(Oral)

This is a petition preferred by the petitioner assailing the order dated 18.05.2023 passed by the learned Armed Forces Tribunal, Regional Bench, Chandigarh (for short 'the AFT'), whereby the relief was granted in favour of the petitioner restoring his pension from the date of his release from custody. However, he is not satisfied and claims that the pension should be restored even for the period during which he remained in custody.

2. Learned counsel for the petitioner submits that he should be allowed to argue when his client is present in Court. However, in the High Court, there is no such procedure and we do not record any evidence nor we require any live exhibit before us.

3. However, having perused the file, we find that the petitioner



was discharged from service on 30.11.1988 and had earned pension after completion of 22 years of service. A case was registered against him under Sections 304-B and 498-A IPC and he was convicted under Section 304-B IPC and sentenced to undergo imprisonment for 07 years along-with his wife and son. In appeal, the sentence of the petitioner was suspended, whereafter, he approached the AFT for seeking restoration of pension which has been allowed.

4. However, so far as the period during which he had remained incarcerated is concerned, this Court is of the firm view that the appeal is still pending and it cannot be said that his custody was wrongful or unjustified. In view thereto, he cannot claim for restoration of his pension for the period during which he remained in custody.

5. The writ petition is found to be misconceived and is, accordingly, dismissed.

6. It is made clear that we have not examined the order passed by the AFT regarding restoration of pension.

(SANJEEV PRAKASH SHARMA)
JUDGE

(MEENAKSHI I. MEHTA)
JUDGE

March 21, 2025
Yag Dutt

Whether speaking/reasoned: Yes/No
Whether Reportable: Yes/No