

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

CWP No. 2746 of 2012 (O&M)

Date of decision: 14.07.2015

Narain Singh Ruhil

...Petitioner

Versus

State of Haryana and others

...Respondents

CORAM: HON'BLE MR.JUSTICE JITENDRA CHAUHAN

Present: Mr. Naveen Daryal, Advocate for the petitioner.

Mr. Saurabh Mohunta, DAG, Haryana.

Jitendra Chauhan, J. (Oral)

By way of the instant writ petition, under Article 226 of the Constitution of India, the petitioner seeks quashing of the impugned order dated 23.06.2008 (Annexure P-5), passed by respondent No.1, whereby the suspension period from 28.08.2006 to 20.12.2006 has been restricted and nothing has been paid for the said period.

The brief facts of the case are that the petitioner retired on 31.03.2007. During his service, on 28.08.2006, he was placed under suspension and charge sheeted, vide Memo No. 19/191-2006 dated 21.12.2006, on account of delay in concluding the enquiry within time. Later on, the petitioner filed a detailed reply to the charge sheet and he was reinstated into service during the pendency

of charge sheet. The Department has passed a punishment order dated 23.06.2008 (Annexure P-5). Aggrieved thereby, the petitioner filed an appeal against the impugned order dated 23.06.2008 which has not been decided so far.

The learned counsel for the petitioner contends that the petitioner was reinstated into service, vide order dated 20.12.2006 (Annexure P-3). The petitioner has been paid the pensionary benefits, however, he has not been paid the subsistence allowance for the suspension period from 28.08.2006 to 20.12.2006, despite the specific order dated 23.06.2008 (Annexure P-5), vide which the suspension period has to be considered as duty period for all purposes.

On the other hand, the learned State counsel submits that the petitioner is not entitled to any allowance during the suspension period.

I have heard the learned counsel for the parties and have gone the record.

The petitioner was appointed as Inquiry Officer, however, despite repeated correspondence by the Directorate, the enquiry was not concluded within time. As a consequence thereof, he was placed under suspension and charge sheeted and vide order dated 23.06.2008 (Annexure P-5), passed by the learned Financial Commissioner, it was held that the petitioner is not entitled to

anything except suspension subsistence allowance during suspension period and this suspension period 28.08.2006 to 20.12.2006 is to be considered as duty period for all purposes.

The expression to the extent that the “suspension period 28.08.2006 to 20.12.2006 to be considered as duty period for all purposes”, is not reconcilable with the findings recorded. In the circumstances, the matter is remanded back to the Financial Commissioner cum Principal Secretary, to pass a fresh order as per law. Parties, through their counsel are directed to appear before the Financial Commissioner cum Principal Secretary to Govt., of Haryana, Education Department, Chandigarh on 31.08.2015 at 10.00 am for personal hearing.

14.07.2015

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(JITENDRA CHAUHAN)
JUDGE