

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

CWP No.3589 of 2012

Date of Decision: 12.01.2015

Chhaju Singh

....Petitioner

Vs.

Punjab School Education Board and others

....Respondents

CORAM: HON'BLE MR. JUSTICE AMOL RATTAN SINGH.

Present: Mr. Sameer Sachdeva, Advocate
for the petitioner.

Mr. Puneet Sharma, Advocate
for the respondents.

Amol Rattan Singh, J (Oral)

Learned counsel for the respondents submits that the suspension period of the petitioner, for a period of almost 5 months w.e.f. 30.06.2007 to 26.11.2007, is not being regularized for the purposes of grant of retiral benefits etc, on the ground that he was arrested for more than 48 hours, after FIR No.192, for the alleged commission of an offence punishable under Section 420 etc. of the IPC, was registered against him on 06.06.2007.

Learned counsel for the petitioner submits that the said FIR was, as a matter of fact, quashed by an order of this Court, passed in Crl. Misc. No.M-51163 of 2007 on 15.03.2010 (Annexure P-4), which order became final after withdrawal of her SLP, by the complainant in the FIR.

In view of the above, in my opinion, no doubt, this Court, while quashing the FIR registered against the petitioner, has stated that in case a

finding is arrived at by a Civil Court, that the will in dispute indeed was forged, criminal proceedings would again be initiated, however, the FIR registered against him, on the basis of which the petitioner was suspended, was factually quashed, meaning thereby that there was no basis for it to have been registered in the first place. Thus, consequently, the arrest of the petitioner pursuant to such FIR, would also not be warranted and since his suspension from service was on account of such arrest, pursuant to the FIR which has been quashed, there would be no reason for not regularizing the period of his suspension as duty period, once the ground for suspension itself has been found to be not warranted.

Factually, also, it is stated that no further criminal proceedings were initiated.

Be that as it may, in any case, the petitioners' services were suspended only on account of his arrest pursuant to FIR No.192 having been registered against him, which was quashed, as discussed herein above.

Consequently, this petition is allowed. The respondents are directed to regularize the period of the petitioners' suspension and grant him all consequential benefits flowing therefrom, within a period of 3 months from the date of receipt of a certified copy of this order.

January 12, 2015
vcgarg

(Amol Rattan Singh)
Judge