

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

**LPA No.847 of 2015 (O&M)
Date of Decision: 28.05.2015**

Haryana Tourism Corp. Ltd. & Anr.

... Appellants

VS.

Shri Dutt & Anr.

... Respondents

**CORAM: HON'BLE MR.JUSTICE SURYA KANT
HON'BLE MR.JUSTICE P.B. BAJANTHRI**

Present: Mr. Hitesh Pandit, Advocate for the appellants

SURYA KANT, J. (Oral)

(1) This Letters Patent Appeal is directed against the order dated 12.12.2014 passed by learned Single Judge allowing the writ petition of first respondent. Learned Single Judge has held and rightly so that once the first respondent stood acquitted on merits in one of the criminal case and in the second case, his name did not figure at all and otherwise he stood exonerated, there was no justification for not treating the suspension period as duty period or in ordering recovery of the Subsistence Allowance paid to the first respondent during the period of suspension. In this view of the matter, we do not find any ground to interfere with the order on merits.

(2) There, however, appears to be some substance in the contention that the action taken by the authorities was *bona fide* and in those circumstances, learned Single Judge ought not have imposed cost of ₹30,000/-. For modification of the order of learned Single

Judge to that extent, we do not deem it necessary to issue notice to the first respondent as the cost of litigation would in no way be less than the amount of cost ordered to be paid to him.

(3) Consequently, we allow this appeal in part to the limited extent that the order of learned Single Judge imposing cost of ₹30,000/- is set aside subject to the condition the remaining directions are complied with, if already not done, within two months from the date of receipt of a copy of this order.

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For the reasons mentioned in the application, the same is allowed and the delay of 134 days in filing appeal is condoned.

CM stands disposed of.

(Surya Kant)
Judge

28.05.2015
vishal shonkar

(P.B. Bajanthri)
Judge