

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

**CWP No.10286 of 2015
Date of Decision:- 09.05.2016**

Bhup Singh

....Petitioner

Versus

State of Haryana and others

....Respondents

CORAM: HON'BLE MS. JUSTICE RITU BAHRI

**Present: Mr. Vijay K. Jindal, Advocate,
for the petitioner.**

Mr. Keshav Gupta, Assistant Advocate General, Haryana.

RITU BAHRI, J. (Oral)

The short question for consideration in the present case is that on account of dismissal order dated 12.03.1992, the petitioner was out of service. Subsequently, by way of CWP No.13733 of 1993, the dismissal order was set aside by this Court, vide order dated 07.01.2010 (Annexure P-1) and the matter was remitted back to the District Authority to initiate fresh proceedings on the enquiry report. Pursuant to order (Annexure P-1), the respondents, vide order dated 05.07.2010 (Annexure P-2), have decided that the charges of willful absence from duty from 01.08.1991 to 17.08.1991 stood fully proved and imposed a punishment of stoppage of three future annual increments with permanent effect. The service period from 12.03.1992 to 27.04.2010 was treated as 'No work No pay', vide order

dated 14.01.2011 (Annexure P-3). The said order dated 14.01.2011 (Annexure P-3) was challenged before this Court by way of CWP No.7579 of 2011 and the same was set aside, vide order dated 18.09.2012 (Annexure P-4), by giving direction to the respondents to pass fresh order. The LPA Bench modified the order of learned Single Judge and liberty was granted to the appellants to pass an order in terms of provisions of Chapter VII Rule 7.3 of the Punjab Civil Services Rules Volume 1 Part I.

Now, the respondents has passed the order dated 10.03.2014 (Annexure P-8) with regard to the period of absence of service and had treated the same as Leave Kind of Due as per Rule 7.3 (5) of the Punjab Civil Service Rules Volume-I, Part-I. However, no order had been with regard to the suspension period as per Rule 7.2 of the Punjab Civil Service Rules Volume-I, Part-I, for grant of subsistence allowance by the respondents.

In view of above, the present writ petition is disposed of by giving directions to the respondents to pass an order on subsistence allowance as per Rule 7.2 of the Punjab Civil Service Rules Volume-I, Part-I, within a period of three months, from the date of receipt of certified copy of this order.

May 09, 2016
naresh.k

(RITU BAHRI)
JUDGE