

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

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**CWP No. 15145 of 2016(O&M)
Date of decision: 21.09.2016**

Dharampal Malik

.... Petitioner

Versus

LIC of India and others

.... Respondents

CORAM: Hon'ble Mr. Justice P.B. Bajanthri

Present: Mr. N.K.Malhotra, Advocate for the petitioner.

Mr. Puneet Sharma, Advocate for the respondents.

P.B. Bajanthri, J. (Oral)

In the instant writ petition, the petitioner sought for a direction to release difference of pay during the suspension period viz., from 21.05.2012 to 31.12.2013 (date of retirement). Undisputedly, the petitioner was under judicial custody for the offences punishable under Sections 147, 148, 149, 452 read with Section 149, 307 read with Sections 149 and 302 read with 149 IPC and he was under custody during the period from 21.05.2012 to 04.07.2015. The petitioner is stated to have been acquitted in the criminal case therefore, his grievance is to regulate the suspension period as duty. In this regard, the respondents vide Annexure R5 have taken a decision that the petitioner was in judicial custody hence, no leave is granted. The period will be treated as extraordinary leave. Such decision taken on 15.02.2016 is stated to be not communicated to the petitioner before filing the present petition. The petitioner sought certain information

under RTI for which the respondents have furnished information on 29.03.2016 vide Annexure R7 wherein in para 2 of the reply to RTI application, the respondents have stated that intervening period from 21.05.2012 to 31.12.2013 cannot be included as a duty period for the purpose of payment of gratuity amount. However, regulating suspension period has not been communicated to the petitioner. Now by Annexure R5, competent authority has taken a decision, since the petitioner was in judicial custody, he is not entitled for leave. The period would be treated as extraordinary leave.

2. In view of these facts and circumstances and later development that claim of the petitioner is being rejected and it is not under challenge in the present petition, the present writ petition do not survive for consideration. Accordingly, petition stands disposed of.

3. However, this order would not come in the way of questioning the decision dated 13.02.2016 read with 15.02.2016 vide Annexure R5 wherein, the petitioners claim has been decided that he is not entitled for leave for the period for which he was under judicial custody.

21.09.2016

pooja saini

**(P.B.BAJANTHRI)
JUDGE**

Whether speaking/reasons

Yes/No

Whether Reportable:

Yes/No