

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

**CWP No.2520 of 2014
Decided on : 31.05.2016**

Inderjeet Singh

... Petitioner

Versus

State of Punjab and others

... Respondents

CORAM : HON'BLE MR.JUSTICE G.S. SANDHAWALIA

Present : Ms. Sandeep Kaur, Advocate for
Mr. Gopal Singh Nahel, Advocate
for the petitioner.

Mr. Anshul Gupta, AAG, Punjab.

G.S. Sandhawalia, J. (Oral)

The petitioner seeks the quashing of the impugned order dated 19.11.2013 (Annexure P-1), whereby he was suspended from service, on account of being taken into custody, on account of a matrimonial dispute.

It is his grouse that on account of the wife lodging an FIR dated 30.08.2013 under Sections 498-A, 406 IPC, Police Station City, Mansa, he was arrested on 03.09.2013 and released on bail on 05.09.2013.

As per the pleadings, on account of the charge-sheet having not been issued to him within 90 days nor any inquiry having been conducted and he being still kept under suspension, he had made a representation, but to no effect. Thereafter, the present writ petition came to be filed.

Surprisingly, an attempt has been made to justify the fact that he was to remain under suspension till the criminal proceedings concluded.

Reply has been filed that he was liable to be paid 75% of his pay, which has been ordered vide order dated 27.05.2014 (Annexure R-1).

Counsel for the State, on instructions from Mr. Tirath Ram, Legal Assistant, who is present in the Court today, submits that the petitioner has been duly reinstated on 15.06.2015.

Admittedly, the petitioner had been taken into custody on account of the matrimonial dispute and it had nothing to do with the official work and no departmental proceedings were initiated. Unnecessarily, the State has been burdened with paying suspension allowance to an employee without taking any work from him for a period of over one and half year.

Accordingly, the present writ petition has been rendered infructuous. However, the State shall decide how the period of suspension is to be treated, as and when the criminal proceedings come to an end. Accordingly, costs of ₹10,000/- are imposed upon the State for taking an unnecessary stance and a defence, which is not tenable in law.

MAY 31, 2016
Naveen

(G.S. SANDHAWALIA)
JUDGE