

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

CM No.2385 of 2016 in/and
CWP No.2805 of 2014
Date of decision: 18.03.2016

Mukhtiar Singh

...Petitioner

versus

Uttari Haryana Bijli Vitran Nigam Ltd. and others

...Respondents

CORAM: HON'BLE MS. JUSTICE RITU BAHRI

Present: Mr. Shrey Goel, Advocate,
for the applicant-petitioner.

Mr. Pardeep Singh Poonia, Advocate,
for the respondents.

RITU BAHRI, J.

CM No.2385 of 2016

In view of the averments mentioned in the application, same is allowed and the main petition i.e. CWP No.2805 of 2014 is taken up today itself for final disposal.

CWP No.2805 of 2014

The petitioner is seeking to quash the orders dated 19.09.2012 and 19.03.2013 (Annexures P-3 & P-5), whereby his suspension/dismissal period w.e.f. 20.05.2002 to 06.10.2010 has been regularized as 'leave of kind due'. A further direction is being sought to the respondents to treat the suspension/dismissal period as duty period for all intents and purposes along with all consequential benefits.

Mukhtiar Singh-petitioner was facing trial in case FIR No.14 dated 20.05.2002, under Section 7/13 of Prevention of Corruption Act,

registered at Police Station Vigilance Bureau, Ambala, on a complaint made by one Dalip Singh against the petitioner, Ramesh Kumar Gulati and Ram Anjur. Trial Court, after conclusion of trial, held them guilty and convicted under the aforesaid offence. Against the judgment of conviction, the petitioner filed Criminal Appeal No.1812-SB of 2007 before this Court, which was allowed vide judgment dated 14.05.2010 (Annexure P-1) and the petitioner was acquitted of the charge framed against him.

On account of pendency of criminal proceedings, the respondent-authorities had suspended the petitioner on 20.05.2005. Thereafter, his services were terminated on 07.09.2007 due to the judgment passed by the Special Court, Ambala. However, after passing of judgment dated 14.05.2010 (Annexure P-1), the services of the petitioner were reinstated on 06.10.2010. Thereafter, the petitioner filed a representation dated 22.03.2012 (Annexure P-2) that his suspension/termination period from 20.05.2002 to 06.10.2010 be regularized and same be treated as period spent on duty. Vide order dated 19.09.2012 (Annexure P-3), the suspension/dismissal period w.e.f. 20.05.2005 to 06.10.2010 was regularized and was treated as 'leave of kind due'. Appeal against the said order has been dismissed vide order dated 19.03.2013 (Annexure P-5). Hence, this petition.

During the pendency of this petition, another petition i.e. CWP No.2918 of 2014 (Ram Anjore Vs. Uttari Haryana Bijli Vitran Nigam Limited and others) filed by co-accused of petitioner has been allowed by this Court vide order dated 18.01.2016 and period of suspension and dismissal has been treated as period spent on duty for all intents and purposes after acquittal in the criminal proceedings. In that case, in the light of the statutory provisions of Rules 7.3 and 7.5 of the Punjab Civil Services Rules,

Volume I, as applicable to the State of Haryana, petitioner-Ram Anjore has been held entitled to full pay and allowances during the period he remained under suspension and dismissal.

Learned counsel for the respondents does not dispute that the petitioner was facing a criminal trial along with aforesaid Ram Anjore, in whose favour a decision has been given by this Court on 18.01.2016 while allowing CWP No.2918 of 2014.

The issue involved in the present case is squarely covered by the aforesaid judgment. Resultantly, the present petition is allowed in the same terms as in **Ram Anjore's** case (supra) and the impugned orders dated 19.09.2012 and 19.03.2013 (Annexures P-3 & P-5) are set aside. The petitioner is held entitled to full pay and allowances for the period during which, he remained under suspension/dismissal.

18.03.2016
ajp

(RITU BAHRI)
JUDGE