

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

**CWP No.6460 of 2014 (O&M)
Date of decision : August 04, 2016**

Inder Singh

..... Petitioner

Versus

State of Haryana and others

..... Respondents

CORAM : HON'BLE MR. JUSTICE KULDIP SINGH

Present:- Mr. Sushil Jain, Advocate for the petitioner.

Mr. Naveen Sheoran, DAG, Haryana.

1. Whether the Reporters of local newspaper may be allowed to see the judgment ?
2. To be referred to the Reporter or not.
3. Whether the judgment should be reported in the digest ?

KULDIP SINGH J. (ORAL)

Petitioner, who was working with Social Welfare Department, retired from service on 31.12.2012. During his service, he was served with charge-sheet, which was ultimately concluded vide order dated 14.10.2013 (Annexure P-10), whereby he was awarded the punishment of warning. His pensionary benefits were not released. Further, another order dated 21.10.2013 (Annexure P-11) was passed, wherein while taking notice of awarding of punishment, it was directed that the suspension period from 11.02.2010 to 08.03.2010 shall be deducted from the qualifying service and his pensionary benefits will be released to him under intimation to the department.

During the pendency of the present writ petition, all the pensionary benefits along with interest were released to the petitioner under the order of this Court.

Now, only question surviving for consideration is as to whether the said period of suspension is to be deducted from the qualifying service as per order dated 21.10.2013 (Annexure P-11).

I am of the view that after the conclusion of the departmental inquiry, punishment of warning was awarded to the petitioner. In the punishment order, there is no mention that another punishment of deduction of suspension period from the qualifying service has been imposed upon the petitioner. The petitioner was suspended on 11.02.2010 and reinstated on 08.03.2010. Therefore, order dated 21.10.2013 (Annexure P-11) is nothing but a second punishment order, whereby the suspension period was ordered to be deducted from the qualifying service of the petitioner.

Once, a lighter view was taken and a warning was awarded, the order was to be passed whether the suspension period is treated to be as duty period or not. However, no such order was passed. Consequently, said period is to be treated as duty period.

As such, order dated 21.10.2013 (Annexure P-11) is found to be illegal and is hereby quashed. The respondents are directed to count the suspension period i.e. from 11.02.2010 to 08.03.2010 and accordingly, recalculate the pensionary benefits and released the same to the petitioner within a period of three months from the date of receipt of copy of this order with interest @ 9% per annum.

Accordingly, the present writ petition is allowed.

(KULDIP SINGH)
JUDGE

August 04, 2016

sarita

Whether speaking / reasoned

Yes

Whether Reportable:

No