

In the High Court of Punjab and Haryana at Chandigarh

RSA No.3895 of 2014
Date of decision: 07.01.2016

C.Raj Bhushan

.....Appellant

Versus

The Commissioner of Police and
others

.....Respondents

CORAM: HON'BLE MRS. JUSTICE SABINA

Present: Mr.Kuldeep S.Yadav,Advocate
for the appellant

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SABINA, J

Appellant had filed suit for declaration and mandatory injunction challenging order dated 6.8.2010. The suit filed by the appellant was dismissed by the trial Court vide judgment/decreed dated 25.3.2013. Aggrieved against the said judgment and decree, appellant preferred an appeal. The First Appellate Court vide judgment and decree dated 4.10.2013 decreed the suit of the plaintiff and set side the impugned order of stoppage of three increments of the appellant with cumulative effect . Further a decree for declaration was passed in favour of the appellant to the effect that the impugned order dated 19.8.2010, whereby suspension period of plaintiff from 24.12.2007 to 30.11.2008 was ordered to be treated as period not spent on duty, was null and void. It was further ordered that as the appellant had not performed his duty from 24.12.2007 to 30.11.2008, he would not be entitled to receive any pay for the said

period on the principle of 'no work no pay'. Aggrieved against the part of the judgment and decree passed by the First Appellate Court whereby appellant was not granted pay from 24.12.2007 to 30.11.2008, appellant has preferred the present appeal.

In the present case, appellant was working as a Constable. On 24.12.2007, appellant was caught red handed while accepting bribe to the tune of ₹100/- from the Driver of Truck No. RJ-14-GA-8545. Departmental proceedings were initiated against the appellant and two others. Vide order dated 6.8.2010, the Punishing Authority ordered the stoppage of three future annual increments of the appellant with permanent effect. It was further the case of the appellant that he had been acquitted in the criminal case registered against him under the Prevention of Corruption Act, 1988 by the Special Judge vide order dated 22.02.2010.

I have heard the learned counsel for the appellant and have gone through the record available on the file carefully.

In the present case, admittedly, appellant had not performed his duty from 24.12.2007 to 30.11.2008. Appellant was placed under suspension and criminal prosecution was also launched against the appellant. The departmental proceedings were also initiated against the appellant. The First Appellate Court has set aside the impugned order on the ground that since on the same set of allegations, appellant had been acquitted in the criminal proceedings, the impugned punishment order was liable to be set aside. However, since the appellant had not performed his duty during the period he remained under suspension, the First Appellate Court rightly came to

the conclusion that the appellant was not entitled to receive any pay qua the said period on the principle of `no work no pay'.

No substantial question of law arises in this case warranting interference.

Dismissed.

**(Sabina)
Judge**

January 07,2016

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