

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

**CWP No.16399 of 2013 (O&M)
Date of Decision : 07th February, 2017**

Ravinder Singh

..... Petitioner

Versus

State of Haryana and others

..... Respondents

CORAM : HON'BLE MR. JUSTICE AJAY TEWARI

Present : Mr. Namit Kumar, Advocate
for the petitioner.

Ms. Shruti Jain, Goyal, AAG, Haryana
for the respondent(s)-State.

AJAY TEWARI, J. (Oral)

The petitioner has preferred this petition for quashing the orders dated 11.01.2013 and 14.01.2013 to the extent that the petitioner has been denied the pay and allowances from 30.11.2007 till 13.01.2013 and the said period has been treated as leave without pay on the principle of 'No work no pay', being totally illegal, arbitrary and against the law and further for directing the respondents to grant the pay and allowances from the said date and treat the said period as duty period and count the same for all intents and purposes including seniority, grant of ACP and annual increments with all consequential benefits.

The dispute in the present case is the benefits which the petitioner is entitled to for the period he remained out of service on account of having been convicted in a criminal case. He claims that on his

CWP No.16399 of 2013 (O&M)

-2-

reinstatement, he was to be granted all consequential benefits including pay and allowances and consideration for promotion from the date his juniors were promoted.

In the written statement, a somewhat simplistic plea has been taken that he could not be granted pay and allowances because he did not actually work and as regards promotion, it has been mentioned that after his reinstatement he was sent to intermediate course and thereafter he was promoted.

In my opinion, this cannot be the end of the matter. The petitioner did not work because he was involved in a criminal case which ultimately turned out to be false since he was acquitted by this Court and that judgment became final and it was because of this he could not go to the intermediate course as per his turn when his juniors were sent.

In these circumstances, I deem it appropriate to direct respondent No.1 to reconsider both these issues i.e. the entitlement of the petitioner for pay and allowances and the issue of considering his claim for promotion from the date his junior were promoted and pass a speaking order thereon within a period of three months from the date of receipt of certified copy of this order.

Ordered accordingly.

The instant petition stands disposed of.

(AJAY TEWARI)
JUDGE

07th February, 2017
mamta

Whether speaking/reasoned

Yes/No

Whether Reportable :

Yes/No