

IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH.

CWP No. 10361 of 2017
Date of decision:14.7.2017

Ravinder Kumar

... Petitioners

versus

State of Haryana and others

... Respondents

CORAM: HON'BLE MR. JUSTICE AMOL RATTAN SINGH.

Present: Mr.Vinod S.Bhardwaj, Advocate,
for the petitioner
...

AMOL RATTAN SINGH, J. (Oral)

Learned counsel for the petitioner draws attention of this Court to the order of the Division Bench passed in LPA No.1439 of 2015 filed by the petitioner earlier, decided on 6.9.2016, Annexure P-11, which was passed after the order of reinstatement of the petitioner had been passed by the DGP, Haryana, on 16.5.2016, Annexure P-10. The concluding para of the order of the Division Bench reads as follows:-

“We, thus allow this appeal to the extent that the order passed by the learned Single Judge is set aside. The appellant stands reinstated in service subject to the outcome of regular departmental enquiry. The fate of the period during which the appellant remained out of service will be independently decided by the competent authority after conclusion of the regular enquiry.

Disposed of.”

The grievance of the petitioner in this petition is with regard to his pay and emoluments during the period that he remained out of service, pursuant to his dismissal till his reinstatement vide the order dated 16.5.2016.

As per the order of the Division Bench, the period during which the petitioner remained out of service would also be decided independently by the competent authority after conclusion of the departmental enquiry, which has now been conducted and an order has been passed thereafter by the Superintendent of Police, Panipat, on 9.11.2016, a copy of which has been annexed as Annexure P-12 with the petition.

As per the said order, it has been stated that taking a lenient view, keeping in view the fact that the petitioner had been acquitted in the criminal case instituted against him and his long service period, he was simply being issued a warning in the departmental proceedings.

However, as regards the period during which the petitioner remained out of service, it has been referred to as 'period of absence' by the Superintendent of Police and it has simply been stated that the said period has been 'included in the punishment by the order of the Director General of Police, Haryana'.

Obviously, the earlier order passed by the DGP dated 16.5.2016, having stated that the petitioner would not be entitled to any pay or emoluments during the period he remained out of service on the principle of 'no work no pay', the subordinate authority did not wish to interfere with that part of the order.

Keeping in view the above, this petition is disposed of with a

direction to respondent no.2 herein, i.e. the Director General of Police, Haryana, to take a decision by passing a speaking order, on the period that the petitioner remained out of service between the date of his dismissal, i.e. 27.9.2013, till the date of his reinstatement, i.e. 16.5.2016, in terms of what has been directed in the order of the Division Bench passed in LPA No.1439 of 2015, obviously also keeping into account the result of the departmental proceedings against the petitioner, within a period of three months from the date of receipt of a certified copy of this order.

14.7.2017
pk

(AMOL RATTAN SINGH)
JUDGE

Whether speaking/reasoned
Whether Reportable

Yes/No
Yes/No