

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

CWP No.24491 of 2014

Date of Decision:17.05.2017

Shanti Devi

... Petitioner

Vs.

Chief Engineer (OP) Uttar Haryana Bijli Vitran Nigam Ltd. Rohtak and
others

... Respondents

CORAM : HON'BLE MR. JUSTICE P.B. BAJANTHRI

Present : Mr. Salil Balim Advocate for the petitioner.

Mr. Vinod Kumar Arya, Advocate for the respondents.

P.B. BAJANTHRI J. (Oral)

Petitioner's grievance is relating to entitlement of her deceased husband's service and monetary benefits during the intervening period from the date of suspension till attaining the age of superannuation and retired from service on 30.6.2006. Deceased employee was subjected to criminal proceeding for the offences under the Prevention of Corruption Act, 1988. Arising out of the criminal proceedings, he was placed under suspension on 29.7.1997. In the criminal proceedings, deceased employee was convicted on 11.2.2003. Thereafter, the respondents have terminated the deceased employee's services with reference to the conviction in criminal proceedings on 20.1.2004. In the criminal appeal, deceased employee was acquitted of the criminal charges on 11.7.2011. In the meanwhile, had he been in service, he would have been attained the age of superannuation and retired from service on 30.6.2006. In this background, whether deceased employee is entitled for monetary benefits during the intervening period from 29.7.1997 the date on which he was placed under suspension till 30.6.2006 or not?

Undisputedly the deceased employee was convicted on 11.2.2003. Based on his conviction, his service were terminated on 20.1.2004. Thereafter, he was acquitted in criminal appeal on 11.7.2011. The respondents have not resorted for disciplinary proceedings in respect of allegations relating to the offences under Prevention of Corruption Act 1988. Therefore, deceased employee is entitled for service benefits during the intervening period from the date of suspension till the date of his retirement on 30.6.2006.

Accordingly, the respondents are hereby directed to extend all the monetary benefits from 29.7.1997 to 30.6.2006. Competent authority or concerned respondent has to work out arrears of pay with reference to revision of pay during the period from 29.7.1997 to 30.6.2006 and release the amount to the legal heir-petitioner. Further service benefits which are due to the deceased employee, if any, be on par with his junior be extended including monetary benefits. The above exercise shall be completed within a period of three months from today. Failing which petitioner is entitled to cost of the present petition to the extent of Rs.25,000/-

Petition stands allowed.

17.05.2017
rajeev

(P.B. Bajanthri)
Judge

Whether speaking/reasoned **Yes/No**

Whether reportable **Yes/No**