

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

CWP No. 24168 of 2015
Date of Decision:31.07.2017

Sher Mohmad

.....PETITIONER

Vs.

The State of Haryana and others

.....RESPONDENTS

CORAM: HON'BLE MR. JUSTICE AMOL RATTAN SINGH

Present: Mr.J.S. Hooda, Advocate for the petitioner.

Mr.Hitesh Pandit, Addl. A.G. Haryana.

AMOL RATTAN SINGH J. (ORAL)

The petitioner in this case is seeking payment of salary for the period from 13.02.2014 to 31.03.2015, i.e. the period during which his services remained suspended on account of an FIR having been registered against him, alleging therein the commission of an offence punishable under Section 13(1) (e) of the Prevention of Corruption Act, 1988.

Learned counsel for the State does not deny that a cancellation report was eventually filed in respect to the said FIR and the disciplinary proceedings initiated against the petitioner were also eventually dropped.

Despite the aforesaid admission by the respondents in their written statement, the reasoning given for non-payment of the petitioner's salary during suspension period, is on account of 'no work no pay'. It has been further stated that he did not maintain headquarters, fixed at police station Palwal, from 25.01.2015 to 27.03.2015, i.e. the last part of his suspension period.

Learned counsel for the petitioner points to Rule 7.3 of the Punjab Civil Services Rules Volume-I, Part-I (as applicable to the State of Haryana), Clause-1 of which stipulates that upon reinstatement of a government employee

who had remained suspended, the competent authority would also pass a specific order with regard to the pay and allowances to be paid to the employee during the period of his suspension.

Clause-2 thereof further stipulates that where the competent authority is of the opinion that the government employee has been fully exonerated or that the suspension was wholly unjustified, full pay and allowances would be payable to the employee.

In the present case, other than the fact that the petitioner was acquitted in the criminal case registered against him and a cancellation report was filed in the said case, with not even the disciplinary proceedings having been continued against him, there would be no justification whatsoever to hold that the petitioner is not entitled to the benefit of Rule 7.3(2) of the aforesaid rules.

As regards the period that he is alleged to have remained absent, i.e. the period that he did not “maintain headquarters”, from 25.01.2015 to 27.03.2015, no disciplinary proceedings having been initiated against him in that regard, the simple statement of the Superintendent of Police, in the written statement, to that effect, cannot be accepted.

Consequently, this petition is allowed and the impugned order dated 23.10.2015, Annexure P-3 is quashed. The respondents are directed to pay to the petitioner the salary for the entire period of his suspension, within a period of two months from the date of receipt of a certified copy of this order.

(AMOL RATTAN SINGH)
JUDGE

31.07.2017
Anjal

Whether speaking/reasoned?
Whether reportable?

Yes/No
Yes/No