

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

201

**RSA No.4345 of 2011 (O&M)
Date of Decision : 26.09.2017**

Om Parkash

..... Appellant

Versus

State of Haryana and others

..... Respondents

CORAM : HON'BLE MR.JUSTICE AJAY TEWARI

Present : Mr. S.S.Duhan, Advocate
for the appellant.

AJAY TEWARI, J. (Oral)

This appeal has been filed against the concurrent judgments of the Courts below. The appellant has challenged the punishment order only to the extent that he was not given the benefit of the suspension period for retiral benefits.

Both the Courts below found that once the punishing authority had held that for the period of suspension he would be entitled only to the subsistence allowance given to him, it was clear that the period of suspension was not to be treated on duty and in those circumstances, there was no infraction of Rule 7.3 Vol. 1 Part 1 of Punjab Civil Service Rules as applicable to Haryana. Learned counsel has argued that as per Rule 7.3 two separate orders had to be passed; one regarding the pay and allowances and the other regarding whether the period was to be treated to be spent on duty.

In my considered opinion, the Courts below have rightly rejected this contention. Once it was mentioned that the employee would be entitled only to subsistence allowance it is axiomatic that that period can not be treated on duty, or be counted for retiral benefits.

Consequently, the appeal is dismissed.

Since the main case has been decided, the pending civil miscellaneous application, if any, also stands disposed of.

(AJAY TEWARI)
JUDGE

26.09.2017
pooja sharma-I

Whether speaking/reasoned - Yes/No

Whether reportable - Yes/No