

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

CWP No. 18021 of 2016

Date of Decision:-30.08.2018

Kuldeep Singh

...Petitioner

Versus

State of Haryana and others

...Respondents

CORAM:- HON'BLE MS. JUSTICE RITU BAHRI

Present:- Mr. Naveen Daryal, Advocate
for the petitioner.

Ms. Nidhi Garg, AAG, Haryana.

RITU BAHRI J.(Oral)

In this petition the petitioner is seeking directions to the respondents to release him full pay and allowances during the period he remained suspended i.e. from 28.7.2003 to 16.5.2004 as per Rule 7.3 of the Civil Services Rules. As per the judgment passed by the Supreme Court in **B.D. Gupta vs. State of Haryana 1973(3) SCC 149** and for quashing of order dated 4.8.2010 (Annexure P-2) whereby under Rule 7.3 of the Civil Services Rules, the suspension period has been regularized as period spent on duty with no pay.

On notice, reply has been filed by the respondents.

After hearing learned counsel for the parties and going through the contents of the writ petition and written statement, this petition deserves

to be allowed.

A perusal of order dated 07.10.2011 (Annexure P-4) shows that initially a cut of 3% was imposed upon the pension as per the punishment orders dated 5.4.2010, subsequently these orders were set aside by the Special Secretary to Government of Haryana, PWD BSR, Chandigarh vide memo No.4/29/10-6 BSR (W) dated 19.5.2011 and thereafter the petitioner became entitled for payment of full salary during the period of suspension and full pension.

After notice of this petition, the respondents have filed written statement and vide order dated 28.11.2016 (Annexure R-2). Keeping in view the State Litigation Policy of 2010, the order dated 4.8.2010 (Annexure P-2) has been quashed and thereafter the amount of Rs.78,814/- was paid to him on 2.12.2016 towards suspension period allowance.

The short grievance of the petitioner is that on this amount requisite interest should have been paid as order in his favour was passed way back on 17.10.2011 (Annexure P-4).

This petition is being allowed and the respondents are directed to give interest on the amount of Rs.78,814/- to the petitioner w.e.f. 1.11.2011 till the date of payment is released alongwith interest @ 6%.

August 30, 2018
Vijay Asija

(RITU BAHRI)
JUDGE

Whether speaking/reasoned
Whether Reportable

Yes / No
Yes / No