

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

CWP-20571-2015

Date of decision: 14.8.2018

Shingara Singh

...Petitioner

Versus

The Punjab State Power Corporation Ltd. and others

...Respondents

CORAM: HON'BLE MR.JUSTICE JITENDRA CHAUHAN

Present: Mr.JS Jaidka, Advocate for the petitioner

Mr.Sharvik Jain, Advocate for

Mr.Amit Aggarwal, Advocate for the respondents.

JITENDRA CHAUHAN, J.

The present writ petition under Article 226 of the Constitution of India has been filed for quashing the order dated 23.6.2015 (Annexure P-2) only to the extent to which his claim for being promoted to the post of AAE w.e.f. 31.5.2015 was rejected.

Learned counsel for the petitioner submits that the petitioner a junior engineer with the respondents has been ignored for promotion to the post of AAE by the Department in the year 2005 on the ground that an FIR had been registered against him and he remained under suspension from 22.6.2000 to 28.8.2000 and this period was not to be treated as duty period. However, the petitioner was acquitted by the trial Court and no appeal against his acquittal was preferred by the department.

On the other hand, learned counsel for the respondents states

that suspension period of the petitioner was regularized in the year 2007 vide order dated 25.5.2007 (Annexure R-1) and thereafter he was promoted vide order dated 27.8.2007.

Heard.

The petitioner was ignored for the promotion to the post of AAE on the sole of registration of the FIR and remained under suspension from 22.6.2000 to 28.8.2000 and this period not being regular, his promotion to the post of AAE was deferred. It is admitted fact that the petitioner was acquitted in the FIR case in the year 2003 and no appeal was filed against the order of acquittal.

In Vinod Kumar vs. State of Punjab and others 2016 (4)

S.C. T. 553, this Court has held as under:-

After considering the facts of the case, I am of the view that in view of the authoritative pronouncements by the Supreme Court of India and the Division Bench of this Court, once the petitioner is acquitted of all the charges and is reinstated, it would mean that he was to be placed at the same situation as if he was never dismissed from service. The result shall be that the period during which the petitioner remained out of service on account of dismissal order, be treated as duty period and shall be counted for all intents and purposes. Consequently, the petitioner who is not at fault for his dismissal shall be entitled to salary, promotions and increments and other benefits as if he was in service during the said period.

In the instant case, vide office order No.532 dated 27.8.2007, it

has been mentioned that the suspension period from 22.6.2000 to 28.8.2000 has been regularized and the petitioner is ordered to be promoted as AAE. When the petitioner was acquitted in the FIR case and his suspension period has been regularized, it would mean that he was to be placed at the same situation as he was never suspended from service.

In view of the law laid down in **Vinod Kumar's case (supra)**, the present petition is allowed and order dated 23.6.2015 is set aside. The petitioner is entitled to the promotion from the date when his juniors have been promoted to the post of AEE i.e. w.e.f. 31.5.2005.

14.8.2018
gsv

(JITENDRA CHAUHAN)
JUDGE

Whether speaking / reasoned?	Yes	/	No
Whether reportable?	Yes	/	No