

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

RSA No.3084 of 2018(O&M)

Date of Decision: 05.10.2018

Punjab and Sind Bank and others

..... Appellants.

Versus

Bhupinder Singh Bains through his LRs.

..... Respondent

CORAM: HON'BLE MR. JUSTICE SUDIP AHLUWALIA

Present: Mr. R.N. Lohan, Advocate for the appellants.

SUDIP AHLUWALIA J. (ORAL)

The question involved in this appeal is whether an employee, who is initially placed under suspension and subsequently dismissed from service, and where the order of dismissal is modified by the superior authority by way of converting the punishment to compulsory retirement, would be entitled to revision of his pay for the period of his suspension towards the pensionary benefits which he is otherwise drawing in the normal course.

In the opinion of this Court, the reliance placed on the decision in *Union of India Vs. R.K. Chopra*, 2010(2) SCC 763, is inapplicable to the present case, as the employee in the said case was finally 'dismissed from service', on account of which he could not have been entitled to the benefit of pension itself, so the question of revision of his emoluments during the period of suspension would have become redundant. In the present case, however, the employee concerned(predecessor of the respondents) was only compulsorily retired, which had the effect of making him entitled to pension and which, in the normal course, ought to have been determined after

considering the increments which had accrued during his period of suspension which ultimately is to be treated as period spent in service.

There is no other rule or circular available on the record to indicate whether any different yardsticks are to be applied in a case where the employee is under suspension at any given time, but is ultimately found to be entitled to pensionary benefits.

No merits.

Dismissed.

05.10.2018
Anjal

(SUDIP AHLUWALIA)
JUDGE

Whether speaking/reasoned: Yes/No
Whether reportable : Yes/No