

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

CWP-1996-2016

Date of Decision: 11.09.2019

Gurmail Singh

... Petitioner

vs.

Punjab State Power Corporation Ltd & Ors .. Respondents

CORAM: HON'BLE MR. JUSTICE ARUN MONGA

Present : Mr. S.S.Antal, Advocate
for the petitioner.

Mr. Manuj Chadha, Advocate
for the respondents.

ARUN MONGA, J.(ORAL)

The only ground of denial of the benefit of Rule 7.3 (2) read with Rule 3 of the Punjab Civil Services Rules to the petitioner is that he has not been exonerated in the criminal proceedings to be instituted against him. On the other hand departmental sanction qua his prosecution was not granted by the competent authority. The said ground is thus completely self contradictory, as on the one hand, the department/competent authority itself did not sanction for prosecution, while on the other, the benefit has been denied stating that petitioner has not been exonerated in the criminal proceedings.

2. As regards the proviso to Rule 7.3 (2), conjoint perusal of the record/pleadings in this Court reflects that no delay can be attributed to the petitioner between the time he was suspended and reinstated in service and, therefore, I am of the view that the petitioner is entitled to the benefit under

Rule 7.3 (2) read with Rule 3, *ibid*.

3. As regards the argument of learned counsel for the respondent that the petitioner has challenged order dated 06.08.2014 (Annexure P-9) without availing alternative remedy, it is too belated a stage to raise the same, as the writ petition was filed in the year 2016. It is coming up for final hearing in 2019 and would be travesty to reject the same on this ground, particularly when the case of the petitioner is squarely covered by Rule 7.3, *ibid*.

4. In the premise, writ petition is allowed. Order dated 06.08.2014 (Annexure P-9) is set aside. Respondents are directed to grant benefit as envisaged Rule 7.3 (2) read with Rule 3 of the Punjab Civil Services Rules.

5. Let needful be done within a period of 03 months from the date of receipt of certified copy of this order.

(ARUN MONGA)
JUDGE

11.09.2019
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Whether speaking/reasoned	: Yes/No
Whether Reportable	: Yes/No