

Sr. No.223

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

CWP No.22199 of 2016 (O&M)

Date of Decision: 25.11.2019

Baljit Singh

... Petitioner

Versus

Punjab Water Supply & Sewerage Board and others

... Respondents

CORAM:- HON'BLE MR. JUSTICE ARUN MONGA

Present:- Mr. Gurdip Singh and
Mr. Chanderdeep Singh, Advocates,
for the petitioner.

Mr. V.K.Kaushal, Advocate,
for respondents No.1 to 5.

ARUN MONGA, J.(ORAL)

1. Short controversy arising in the present writ petition is whether while awarding the minor punishment the disciplinary authority could have ordered that the period of suspension of the petitioner be treated as 'dies-non' (non-duty period) resulting in break in his service for the period he remained suspended from service.

2. Learned counsel for the petitioner contends that the petitioner is governed by Punjab Civil Services (Punishment and Appeal) Rules, 1970 and he was eventually awarded minor punishment of stoppage of one increment without cumulative effect. While awarding the same disciplinary authority went beyond its jurisdiction to state in the parting that the suspension period shall be considered as 'dies-non'.

3. Confronted with the situation, learned counsel for the respondents submits that petitioner has been awarded minor punishment of stoppage of one increment without cumulative effect and the Chief Executive Officer of the respondent-Board was fully competent to decide with regard to the suspension period as to whether the same was to be treated as on duty or off duty. It is conceded that dies-non term in the punishment order is confined only to that extent.

4. In that view of the matter, it is made clear that the order impugned herein shall not be construed to mean that the period of suspension undergone by the petitioner shall be treated as break in service and that the petitioner shall be accorded all consequential benefits other than the full salary for the suspension period.

5. In view of the statement made by learned counsel for the respondent-Board coupled with the modification as aforesaid, no further interference is called for.

6. Disposed of in above terms.

25.11.2019

vandana

**(ARUN MONGA)
JUDGE**

Whether speaking/reasoned
Whether Reportable

Yes/No
Yes/No