

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

Date of decision: 10.05.2019

CM No.8351-CWP of 2016 in/and
CWP No.26096 of 2015

Ranjit Singh Sahota

...Petitioner

Vs.

State of Punjab & others

...Respondents

CORAM: HON'BLE MR. JUSTICE RAJIV NARAIN RAINA

Present: Mr. Rajiv Kataria, Advocate, for the petitioner.

Mr. Anil Sharma, Advocate, for respondent No.3.

RAJIV NARAIN RAINA, J. (ORAL)

1. The petitioner cannot take benefit of age bar as per instructions dated 11.06.2001, which made Enquiry Officers above the age of 65 years ineligible to hold a departmental enquiry. Those instructions were withdrawn within a short span of time by the superseding instructions dated 31.07.2001 that removed the age bar. The issue of age bar in respect of appointment of enquiry officers to hold departmental proceedings has been settled in CWP No.18985 of 2013 titled 'Sher Singh Vs. Punjab State Civil Supplies Corporation Ltd. & others' and other connected cases decided on 31.05.2016 based on the fresh instructions. Thus, the petition on this score has to fail and is dismissed.

2. The inquiry cannot be faulted for the reasons which were pressed to obtain a stay order on 14.12.2015. Therefore, the inquiry, if not completed, shall be completed within reasonable time.

3. As far as subsistence allowance is concerned, the period from which 50% of the basic has to be paid has now to be paid at the enhanced rate i.e. 75% of the basic pay for the period under suspension in terms of Rule 7.2 of the Punjab Civil Services Rules, Volume I, Part I.

4. It may be noticed that the petitioner was reinstated to service vide order dated 25.04.2016. Admittedly, the petitioner has been paid 50% of the subsistence allowance from 26.08.2014 to 31.03.2016. The difference be now made available to the petitioner with 6% interest per annum. It is made clear that 6% interest will accrue on the arrears from the date when 75% subsistence allowance ought to have been paid in terms of the Rules.

5. With these observations, the petition stands disposed of.

6. No orders are called for in CM No.8351-CWP of 2016, as the main petition itself stands disposed of.

10.05.2019
Vimal

[RAJIV NARAIN RAINA]
JUDGE

Whether speaking/reasoned:
Whether Reportable:

Yes/No
Yes/No