

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

**CWP-8871-2016 (O&M)
Date of decision: 17.01.2019**

Suresh Kumar

...Petitioner

Versus

Dakshin Haryana Bijli Vitran Nigam and others

...Respondents

CORAM:HON'BLE MS. JUSTICE RITU BAHRI

Present: Mr. Sandeep Kumar Goyat, Advocate
for the petitioner.

Ms. Geeta Sharma, Advocate
for the respondents.

Ritu Bahri, J. (Oral)

The petitioner is seeking quashing of the impugned order dated 29.09.2015 (Annexure P-3) whereby a decision has been taken to treat the suspension period of the petitioner as leave of the kind due and he has been directed to fill up the leave formats duly signed by the concerned Sub-Divisional Officer for taking further action.

The petitioner is working as Assistant Line Man in the office of respondent No. 4. He was placed under suspension by the XEN-(OP) Division No. 1, DHBVN Hisar-respondent No. 4 vide office order No. 291 dated 08.05.2014 (Annexure P-1). The suspension was on account of fact that there was an FIR No. 247 dated 22.04.2014 under Sections 304-B, 498-A, 302 IPC, 1860 registered at Police Station Civil Lines Hisar. The petitioner was arrested on 29.04.2014 and finally, he was acquitted on 17.03.2015 by the trial Court in the above said case. Thereafter, the petitioner submitted his arrival report on 26.03.2015 (Annexure P-2). Vide the impugned order (Annexure P-3), the period of suspension is sought to be treated as leave of kind due.

Learned counsel for the petitioner refers the order dated 14.09.2012 (Annexure P-4) passed with respect to one Sh. Rakesh Kumar Jain, LDC now Commercial Assistant, where he was facing trial under Sections 498-A/406 of IPC and after being acquitted of the said charges was reinstated and his suspension period was treated as duty period for all intents and purposes instead of leave of the kind due.

Learned counsel for the respondents has argued that the petitioner has not filled up the leave formats as per the letter (Annexure P-3) and hence, no orders on account of his suspension period can be passed. This contention of the learned counsel is liable to be dismissed as letter (Annexure P-3) makes it clear that the format is to be filled and a decision has been taken to treat his suspension period as leave of kind due for regularization of suspension period. However, the order dated 14.09.2012 (Annexure P-4) has not been disputed by the respondent. Once the petitioner has been acquitted by the trial in the criminal case, vide judgment dated 17.03.2015, the suspension period has to be treated as his duty period as done in the case of Sh. Rakesh Jain, LDC (Annexure P-4).

In view of the above, this writ petition is allowed. Direction is being given to the respondents to get the leave format filled by the petitioner and treat his suspension period as duty period for all intents and purposes instead of leave of the kind due.

17th January, 2019

shabha

(RITU BAHRI)
JUDGE

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No