

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

CWP No. 9887 of 2015 (O&M)

Date of Decision: 24.09.2019.

Vinod Kumar

... Petitioner

Versus

State of Punjab and others

... Respondents

CORAM : Hon'ble Mr. Justice Jitendra Chauhan

Present : Mr. Sunny Singla, Advocate
for the petitioner.

Ms. Anju Sharma Kaushik, DAG Punjab.

JITENDRA CHAUHAN.J.(ORAL)

The short question arising for consideration in this civil writ petition is as to whether the petitioner is entitled to treat his period of suspension as duty period or not. The order dated 22.06.2013 (Annexure P-4) has been impugned in the present writ petition in this regard.

The petitioner was involved in FIR No. 129 dated 05.08.2011 registered under Sections 498A, 406, 506 and 323 read with Section 34 of IPC at Police Station Mansa city District Mansa. Thereafter, the matter was compromised and the FIR was quashed vide judgment dated 18.02.2013 (Annexure P-3). However, during the continuation of criminal proceedings, the petitioner was placed under suspension with effect from 07.08.2011 to 04.07.2012 vide orders

Annexure P-1 and Annexure P-2. After the culmination of criminal proceedings, the petitioner moved to the department for treating the period of suspension as the period on duty. However, the request was declined vide impugned order dated 22.06.2013 (Annexure P-4).

On the other hand, on behalf of the respondents, it is contended that the suspension of the petitioner was wholly justified due to his involvement in a criminal case, therefore, the period of suspension cannot be treated as a period on duty.

Heard.

The controversy involved in the present petition has already been decided by this court in CWP No. 28419 of 2013 decided on 23.04.2018 titled as **“Nirmal Singh versus State of Punjab and others”** The relevant paragraph of the judgment is set out as under:-

“In the instant case, the reasons for placing the petitioner under suspension cannot be said to be relatable, in any manner, to the conduct of the petitioner which could be termed as prejudicial to either his employer or his employment. He has not been alleged to be guilty of any indiscipline or a behaviour unbecoming of an employee. He has also not been alleged of any act of commission or omission which can be said to be detrimental to the interests of his employer, in discharge of his official duties. The circumstances which led to his suspension are largely attributable to the matrimonial discord arisen between the petitioner and his wife, and thus, are personal in nature and have no relation to his official placement. Therefore, the respondent-authorities, though, rightly considered the period of suspension as period spent on duty for the purposes of pension and seniority, but fell in error while declining him grant of full pay and allowances therefor.

In view of the above, impugned order Annexure P-4 is

partially modified to the extent that benefit of Rule 7.3 B(3) ibid be extended to the petitioner in totality by granting him full pay and allowances for the period of suspension. Allowed.”

In view of the above, the present civil writ petition is allowed. The impugned order dated 22.06.2013 (Annexure P-4) is hereby set aside. The respondents are directed to treat the period of suspension with effect from 07.08.2011 to 04.07.2012 as the period on duty.

24.09.2019.
SN

(JITENDRA CHAUHAN)
JUDGE

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