

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

CWP No.7366 of 2018
Date of decision : 02.04.2019

Rajbir

...Petitioner

Vs.

State of Haryana and others

...Respondents

CORAM: HON'BLE MS. JUSTICE RITU BAHRI

Present: Mr. Anil Kumar Bhardwaj, Advocate,
for the petitioner.

Mr. Harish Nain, AAG, Haryana.

Ritu Bahri, J. (oral)

Petitioner is seeking quashing of the order dated 03/18.12.2015 (Annexure P-6), whereby his suspension period from 07.10.2013 to 17.09.2014 has been treated as leave of the kind due.

A perusal of the order dated 03/18.12.2015 (Annexure P-6) shows that FIR No.664 dated 04.10.2013 was registered against the petitioner under Sections 354/323/506 IPC. Later on, the matter was compromised and the said FIR was quashed by this Court. Thereafter, the petitioner was reinstated on 16.09.2014.

Learned counsel for the petitioner contends that the period, during which, the petitioner remained suspended should be treated as a period spent on duty, as the matter has been compromised.

Stand taken by the respondents, in their written statement, is that under Rule 7.3 and 7.5 of the Punjab Civil Service Rule, Vol. I, Part I,

the competent authority has rightly passed the impugned order by treating this period as 'leave of the kind due' as absence of the petitioner from duty was on account of involvement in a case of moral turpitude (Sections 354 and 506 IPC), for which, the employer/State was not responsible to keep him away from his normal duties. Hence, he was rightly held not entitled for salary. Reference has been made to a judgment passed by Division Bench of this Court in **Satpal Dhawan vs. SBP and others**, LPA No.930 of 2012 (decided on 01.04.2013), wherein it has been held that if, the employer is not responsible for the absence on account of involvement of an employee in criminal proceedings, then the employee is not entitled for salary or continuity of service.

After hearing learned counsel for the parties and going through the reply filed by respondents, this Court is of the view that the impugned order has been rightly passed by the competent authority because the petitioner had remained absent on account of his involvement in a criminal case. Respondent-State was not responsible for his absence. Hence, no ground for interference, as sought for, is made out.

No merits. Dismissed.

02.04.2019
ajp

(RITU BAHRI)
JUDGE

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