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IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CWP NO. 32279 OF 2019(O&M)

Date of Decision: 07.11.2019

Harinder Singh

.....Petitioner

versus

State of Punjab and others

.....Respondents

CORAM HON'BLE MR. JUSTICE ARUN MONGA

Present Mr.R.S.Kalra, Advocate for the petitioner.
Mr. Mehardeep Singh, Addl. A.G., Punjab.

ARUN MONGA, J (ORAL)

Inter alia, issuance of a writ in the nature of certiorari has been sought, herein, to quash an order dated 01.08.2019 (Annexure P-6) whereby request of the petitioner for considering his suspension period as on duty, disbursement of full salary for the said period with all other consequential benefits was negated.

2. Notice of motion.

On advance service of the petition, Mr. Mehardeep Singh, Additional A.G., Punjab appears and accepts notice on behalf of the respondents.

3. Having heard learned counsel for the petitioner and also the learned State counsel and on perusal of the order dated 01.08.2019 (Annexure P-6) impugned herein, I am of the view that no reasons have been

order very cryptically states that his application cannot be taken into consideration and therefore, same is being filed.

4. My attention has been drawn to Rule **7.3 of the Punjab Civil Services Rules Vol. I Part I, Chapter VII** and it would be apposite to reproduce the relevant as below:-

“7.3(1) When a Government employee, who has been dismissed, removed or compulsorily retired, is reinstated as a result of appeal, revision or review, or would have been so reinstated but for his retirement on superannuation while under suspension or not, the authority competent to order the reinstatement shall consider and make a specific order:-

*(a) regarding the pay and allowances to be paid to the Government employee for the period of his absence from duty, including the period of suspension, preceding his dismissal, removal or compulsory retirement, as the case may be, and
.....”*

A perusal of the above reveals that while rejecting the case of the petitioner, competent authority ought to have made a specific order regarding the pay and allowance for the period petitioner remained suspended. This, however, was not done.

5. On that short premise alone, without advertng to the merits of the case, the impugned order dated 01.08.2019 (Annexure P-6) is set aside with liberty to the competent authority to pass fresh order in accordance with law. It is expected that while passing the order in accordance with law, judgments contained at Annexures P-8 to P-10 would be taken into consideration.

6. Disposed of in the above terms.

07.11.2019

mamta

(ARUN MONGA)
JUDGE

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