

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

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Civil Writ Petition No.3662 of 2020
Date of Decision: March 2nd, 2020

Gurminder Singh

...Petitioner

Versus

State of Punjab and others

...Respondents

CORAM: HON'BLE MR. JUSTICE AUGUSTINE GEORGE MASIH

Present: Mr. Ashutosh Gupta, Advocate
for Mr. Mahir Sood, Advocate
for the petitioner.

AUGUSTINE GEORGE MASIH, J. (ORAL)

Learned counsel for the petitioner has argued the case at length highlighting therein that because of the filing of an FIR against the petitioner by his wife, which was primarily a matrimonial dispute, which ultimately culminated in the quashing of the same by this Court vide order dated 30.05.2017 (Annexure P-10), the matter rests there. He contends that as a consequence of the quashing of the FIR and all consequential proceedings arising therefrom, petitioner was entitled to the benefit of the suspension period. With regard to the suspension period also, he has highlighted that the petitioner, after his release from the custody of the police, had rejoined his service on 22.02.2014, whereas the suspension order was passed on 10.06.2014 and the petitioner was placed under suspension retrospectively with effect from 17.02.2014. He contends that for the period he has actually performed his duty, his salary which he was forced to redeposit during the period of his retrospective suspension, cannot sustain. That apart, he asserts that the subsequent suspension period also should have been treated as 'on duty' period for all intents and purposes rather than restricting it only for the purpose of the seniority.

This, the counsel contends, is not sustainable and, therefore, the decisions as taken by the respondents rejecting the claim of the petitioner vide impugned orders dated 12.12.2017 (Annexure P-11) as also the rejection of his appeal vide order dated 25.07.2019 (Annexure P-13) deserve to be set aside.

2. This contention of the counsel for the petitioner appears to be justified.

3. Let the petitioner file a detailed representation to the respondents within a period of two weeks from today, which shall be thereafter considered and decision be taken thereon by the respondents within a period of further six weeks afresh.

4. Decision so taken be conveyed to the petitioner forthwith.

5. In case the petitioner is still aggrieved by the said action of the respondents, he may approach the Court again.

6. The writ petition stands disposed of with above observations.

March 2nd, 2020

Puneet

**(AUGUSTINE GEORGE MASIH)
JUDGE**

Whether speaking/reasoned: Yes

Whether Reportable: No