

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

(109)

CWP No. 1049 of 2020

Date of Decision : 16.01.2020

Parmod Sharma

....Petitioner

Versus

State of Punjab and another

.....Respondents

CORAM : HON'BLE MR. JUSTICE HARSIMRAN SINGH SETHI

Present:- Mr. Rajinder Sharma, Advocate for the petitioner.

Harsimran Singh Sethi, J. (Oral)

Learned counsel for the petitioner submits that a charge-sheet was served upon the petitioner on 24.10.2008. Keeping in view the said charge-sheet, petitioner was suspended on 01.09.2008 and he remained under suspension till 24.10.2008. While deciding the charge-sheet, initially a punishment of stoppage of two increments was imposed upon the petitioner and other employees as charge-sheet dated 24.10.2008, was a joint charge-sheet served upon various officials. Later on, the order dated 27.06.2013 imposing the punishment was withdrawn on 01.01.2015 and petitioner alongwith other employees was exonerated.

Learned counsel for the petitioner argues that one Sh. Rakesh Kumar, who was also the co-delinquent with the petitioner in the charge-sheet dated 24.10.2008, requested the authorities to treat the suspension period from 01.09.2008 to 24.10.2008 as duty period and his request was accepted by the competent authority vide order dated 01.07.2019, a copy of which has been appended as Annexure P-4. Learned counsel for the petitioner states that the said benefit, which has been extended to the similarly situated employees, has not been extended to the petitioner

without any valid justification.

Learned counsel for the petitioner argues that keeping in view the pendency of the charge-sheet dated 24.10.2008, pensionary benefits of the petitioner were delayed and after the petitioner has been exonerated, he is also entitled for interest on the delayed release of the pensionary benefits. The prayer of the petitioner is for treating the suspension period from 01.09.2008 to 24.10.2008 as duty period with all consequential benefits as extended to Sh. Rakesh Kumar. Further prayer of the petitioner is for issuance of a direction to the respondents to release interest on delayed release of his pensionary benefits forthwith.

Learned counsel for the petitioner states that for the relief, which has been claimed in the present writ petition, petitioner has submitted a representation dated 04.09.2019 (Annexure P-5) with the respondents, which is still pending consideration and the petitioner will be satisfied, at this stage, in case a time bound direction is issued to respondent No. 1 to decide the said representation by passing an appropriate speaking order.

In view of the request made, without expressing any opinion on the merits of the case and the claim being made by the petitioner, respondent No. 1 is directed to decide the representation dated 04.09.2019 (Annexure P-5) by passing a speaking order within a period of three months from the date of receipt of a certified copy of this order.

Writ petition stands disposed of accordingly.

January 16, 2020
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(HARSIMRAN SINGH SETHI)
JUDGE

Whether reasoned/speaking? *Yes*
Whether reportable? *No*