

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

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COCP No.1107 of 2021

Date of Decision: 22.11.2021

Mohan Singh

....Petitioner

Versus

Jagir Kaur and another

....Respondents

CORAM:HON'BLE MR. JUSTICE HARINDER SINGH SIDHU

Present: Mr. Aruz Khan, Advocate for the petitioner.

HARINDER SINGH SIDHU, J.

The petitioner has filed the present petition alleging that the order dated 17.02.2021 (P-3) passed by the respondent to the extent that it only reinstates the petitioner in service without granting the service benefits of the suspension period is in violation of the directions contained in the order dated 15.07.2019 in CWP No. 18944-2019

I have perused the order dated 15.07.2019 passed in CWP No.18944-2019. In that petition the petitioner had sought quashing of the order whereby he had been placed under suspension. The petition was dismissed holding that suspension is not a penalty and that an employee can be placed under suspension whenever any enquiry is contemplated into certain acts of omission and commission. The Court had also observed that if the respondents initiates departmental proceedings against the petitioner and if the petitioner is exonerated therein he would be entitled not only to reinstatement but also service benefits pertaining to the period of suspension.

The above observation was only a statement of the legal position. There was no positive directions to the respondents to grant the service benefits on his reinstatement.

In view thereof the petitioner wishes to withdraw the present petition with liberty to assail the order dated 17.02.2021 by

filing an appeal as per the applicable service rules.

This petition is disposed of with the direction that in case the petitioner files an appeal within a period of 15 days from today, the appeal be decided on merits without going into the question of limitation.

Disposed of as withdrawn with the liberty aforesaid.

[HARINDER SINGH SIDHU]
JUDGE

November 22, 2021

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Whether speaking/reasoned
Whether reportable?

yes/no
yes/no