

In the High Court of Punjab and Haryana at Chandigarh

220

CWP-128-2016 (O & M)

Date of Decision: September 15, 2022

RAMESHWAR DASS

.....PETITIONER

VERSUS

**UTTAR HARYANA BIJLI VITRAN
NIGAM LTD AND ORS**

....RESPONDENTS

CORAM: HON'BLE MR. JUSTICE ANUPINDER SINGH GREWAL

Present: Mr.Rajinder Goyal, Advocate for the petitioner.

Mr. Lalit Kumar Sharma, Advocate for
MR. Sunil Kumar Sharma, Advocate for the respondents.

ANUPINDER SINGH GREWAL, J (ORAL)

The petitioner has sought quashing of the order dated 26.06.2013 whereby the claim of the petitioner for treating the period of suspension as duty period, has been rejected.

Learned counsel for the petitioner contends that the petitioner was working as Junior Engineer and had been falsely implicated in an FIR registered under Section 304/34 IPC as an employee of the department, who was attending electricity fault, had been electrocuted. The petitioner had been acquitted at the conclusion of the trial and, therefore, the period of suspension should have been treated as period on duty. The disciplinary proceedings were dropped after perusal of the entire matter and not just on the basis of acquittal in the criminal case.

Learned counsel for the respondents while referring to the written statement submits that the petitioner had been acquitted by giving him the benefit of doubt. An employee of the electricity department has lost his life. It is alleged that the petitioner, who was working as Junior Engineer, had not maintained the feeders and due to step up of feeder excess electricity supply had been transmitted, which led to the death of a Lineman.

Heard.

The petitioner was working as a Junior Engineer when the aforementioned unfortunate incident took place resulting in the death of a Lineman. FIR under Section 304/34 IPC had been registered against the petitioner. The petitioner, however, was acquitted at the conclusion of the trial. The respondents after examining the material on record and including the acquittal of the petitioner had by order dated 17.06.2013 issued him a warning to be careful in future. The period of his suspension has been treated as leave of the kind due. Rule 7.3 of the Punjab Civil Service Rules Volume I Part I prescribes the pay and allowances for the period of absence from duty on account of suspension. Sub Rule (2) stipulates that in those cases where the authority is of the opinion that the Government employee has been fully exonerated or the suspension was wholly unjustified, he would be entitled to the full pay and allowances. In the aforementioned facts and circumstances, it could not be said that the suspension of the petitioner on account of his involvement in the FIR and other allegations of negligence was wholly unjustified for the petitioner to be entitled to the full pay and allowances.

Consequently, I do not find any infirmity in the impugned order treating the period of the petitioner's suspension as leave of the kind due.

The petition stands dismissed.

(ANUPINDER SINGH GREWAL)
JUDGE

September 15, 2022
A.Kaundal

Whether speaking/ reasoned	:	Yes/No
Whether Reportable	:	Yes/No