

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

112

CWP-17059-2022

Date of Decision :08.09.2022

Sulekh Chand**...Petitioner****Versus****State of Haryana and another****...Respondents****CORAM: HON'BLE MR. JUSTICE HARSIMRAN SINGH SETHI**

Present: Mr. Sukhwinder Singh Kamboj, Advocate for the petitioner.

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Harsimran Singh Sethi, J. (Oral)

In the present writ petition, the grievance of the petitioner is that vide impugned order dated 18.10.2001 (Annexure P/5) passed by the respondents, the petitioner has been denied the benefit of full salary for the period, for which, he remained under suspension though, the said period has been treated as duty period for the purpose of pension.

Learned counsel for the petitioner argues that there is no justification in denying the benefit of full salary for the suspension period and hence, impugned order dated 18.10.2001 (Annexure P/5) passed by the respondents is liable to be set aside.

As per the facts mentioned in the present writ petition, the petitioner was suspended on 18.11.1993 (annexure P/1) in anticipation of the departmental enquiry. In the enquiry, which was initiated against the petitioner, the petitioner was ultimately found guilty of the allegations alleged against him and a show cause notice was issued to him with the proposal of stopping of two annual increments with cumulative effect but

after the reply filed by the petitioner, a lenient view was taken by the respondent-department and the petitioner after being held guilty of the allegations, was imposed a punishment of warning. After imposing of punishment, the competent authority considered the factual aspect and passed an order on 18.10.2001 that the period of suspension will be treated as duty period for the pension purpose only but, the petitioner will not be paid anything over and above what he has already been paid during the period of suspension.

Petitioner kept quiet for a period of 14 years after the passing of the said order and ultimately in the year 2015, filed a writ petition challenging the said order, which petition was withdrawn by him on 10.12.2019 with liberty to file a fresh one.

I have heard learned counsel for the petitioner and have gone through the record with his able assistance.

Once the petitioner has been held guilty of the allegations in the departmental proceedings, the punishing authority has the jurisdiction to decide as to how the suspension period is to be treated. In its wisdom, the punishing authority, keeping in view the fact that the petitioner was held guilty in the departmental proceedings, treated the period of suspension as duty period for the purpose of pension only but, declined the salary over and above the subsistence allowance already paid to the petitioner. Once an employee is held guilty, he cannot claim full pay for the suspension period as a matter of right. The petitioner never challenged the said punishment or findings, where he was held guilty during his service career or thereafter or even in the present petition. Only claim of the petitioner is for the grant of full salary for the period he remained under suspension, which cannot be

granted as petitioner has been imposed with a punishment after being held guilty of the allegations hence he cannot claim full salary for the period of suspension as a matter of right. No rule or law has been cited by the learned counsel for the petitioner for the grant of benefit as being claimed keeping in view the facts and circumstances detailed in the present petition.

Keeping in view the above, no ground is made out for interference by this Court in the impugned order dated 18.10.2001 (Annexure P/5) passed by the respondents.

Dismissed.

September 08, 2022
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(HARSIMRAN SINGH SETHI)
JUDGE

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No