

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

Sr. No.225

CWP-2040-2019

Date of Decision: July 26, 2023

INDERJIT SINGH

...Petitioner

Versus

UTTAR HARYANA BIJLI VITRAN NIGAM AND OTHERS

...Respondents

CORAM: HON'BLE MR. JUSTICE SANDEEP MOUDGIL

Present: Mr. Madan Pal, Advocate, for the petitioner.

Mr. R.S. Longia, Advocate, for the respondents.

SANDEEP MOUDGIL, J. (ORAL)

The instant petition has been filed under Articles 226/227 of the Constitution of India seeking of a writ of certiorari for quashing of impugned order dated 29.09.2015 (Annexure P-3) and order dated 14.12.2018 (Annexure P-6) whereby the period under suspension i.e. from 25.06.2012 to 02.04.2013 has not been taken into consideration for the purposes of pay and allowances on the ground 'No Work No Pay'.

Learned counsel for the petitioner has relied upon a judgment rendered by a Division Bench of this Court in LPA No.897 of 2017 decided on 11.05.2022 ***UHBVN Ltd. and ors. vs. Jagdish Lal*** stating that his case is squarely covered by the said judgment as he has also been acquitted by the criminal Court in FIR No.14, dated 25.06.2012, under Sections 7 and 13 of Prevention of Corruption Act, 1988 vide judgment dated 28.07.2014 (Annexure P-1). He has also drawn attention of this Court that inquiry dated 20.07.2015 (Annexure P-2), whereby he has recorded the finding to the effect that the charges do not stand proved and

in fact, there was no delay of execution of work or refunding the amount whatsoever to the consumer.

Learned counsel for the respondents has referred to the Rule 7.3 (1) of Punjab Civil Service Rules which read as under:

7.3(1) When a Government employee, who has been dismissed, removed, compulsory retired, or suspended, is reinstated, or would have been reinstated but for his retirement on superannuation the authority competent to order the reinstatement shall consider and make a specific order.

Heard.

This Court is of the view that where the authority mentioned in Sub-rule-1 of Rule 7.3 is of the opinion that Government employee has been fully exonerated or in the case of suspension, being wholly unjustified, the Government employee shall be given full pay and allowances to which he was entitled, had he not been dismissed, removed, compulsorily retired or suspended, as the case may be.

In the instant case, as is evident from the record, judgment dated 28.07.2014 (Annexure P-1), passed by the Court of Sh. R.K. Jain, Additional Sessions Judge-cum-Special Judge, Karnal vide which the petitioner was acquitted and in the departmental inquiry also, the charges could not be proved which is on record as Annexure P-2, the suspension period i.e. from 25.06.2012 to 02.04.2013 needs to be considered as duty period for all intents and purposes including for pay and allowances. The respondents cannot deny the said benefit to the petitioner under the garb of principle of 'No Work No Pay' as his suspension is held to be unjustified in the light of his acquittal and exonerated in the regular inquiry in departmental proceedings.

Accordingly, the instant petition is allowed in the aforesaid terms. There is also no counter on part of the respondents to the order dated 11.05.2022 in LPA No.897 of 2017 whereby the benefit of all consequential benefits arising therefrom are ordered to be granted along with 6% p.a. interest.

In the instant case as well being identical and similar to the case of *UHBN (supra)*, the petition is allowed and the respondents are directed to release all such consequential benefits within two months from today along with interest @ 6% p.a. to be calculated from the due date till the date of its realization.

(SANDEEP MOUDGIL)
JUDGE

July 26, 2023
Ankur

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