

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

114

**CWP-13781 of 2022 (O&M)
Date of decision: 02.02.2023**

Kulwant Singh

..Petitioner

Versus

State of Punjab and others

..Respondents

CORAM: HON'BLE MR. JUSTICE ANIL KSHETARPAL

Present: Mr. Arjun Dev, Advocate, for the petitioner.
Mr. R.S.Pandher, Sr. DAG, Punjab

ANIL KSHETARPAL, J(Oral)

This writ petition has been filed with the following substantive prayers:-

- “(i) *Writ, order or direction especially a writ in the nature of certiorari for quashing the order dated 28.04.2022 (Annexure P-9) passed by the respondent no.2 whereby the suspension period of the petitioner from 13.11.2019 to 22.06.2020 has been ordered to be treated as 'Leave of the kind due' instead of 'Duty period' keeping in view the withdrawal of charge sheet upon receipt of inquiry report (Annexure P4) in which the charges against the petitioner have not been proved;*
- (ii) *Writ, order or direction specially writ in the nature of mandamus directing the respondents to regularize the period of suspension of the petitioner from 13.11.2019 to 22.06.2020 as 'Duty period' instead of 'leave of kind due' taking into consideration the exoneration of the petitioner from the charge sheet levelled against him in the charge sheet (Annexure P-2) and thereby order the release all the consequential benefits such as annual increment due on 01.02.2020, arrears and pay fixation for all intents and purposes along with interest @ 12% per annum from the due date till its actual realization.*

(iii) any other relief as may be deemed fit and proper in the facts and circumstances of the case may also be granted to the petitioner.”

In essence, the petitioner is aggrieved of the order dated 28.04.2022, whereby the suspension period of the petitioner from 13.11.2019 to 22.06.2020, has been treated as a leave of the kind due instead of duty period. It is evident that, though, the charge sheet was issued to the petitioner, however, subsequently, the disciplinary proceedings were dropped.

The learned State counsel has submitted that vide communication dated 20.09.2022, the suspension period of the petitioner from 13.11.2019 to 22.06.2020 has been treated as the duty period.

Keeping in view the aforesaid facts, the present petition is rendered infructuous and is disposed of accordingly.

All the pending miscellaneous applications, if any, are also disposed of.

February 02, 2023
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(ANIL KSHETARPAL)
JUDGE

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