

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

217

CWP-23713-2018

Date of Decision:-07.08.2023

SOM NATH

...Petitioner

Versus

UHBVN AND ORS

...Respondents

CORAM: HON'BLE MR. JUSTICE SANDEEP MOUDGIL

Present: Mr. Virender Kumar, Advocate
for the petitioner.

Mr. Sunil Kumar Dhanda, Advocate
for the respondents.

SANDEEP MOUDGIL, J. (Oral)

The instant petition has been filed under Articles 226/227 of the Constitution of India seeking issuance of writ in the nature of certiorari for quashing the impugned order dated 22.04.2018(Annexure P-12) passed by respondent No.2, vide which suspension period of the petitioner from 27.11.2013 to 24.06.2017 has been counted as leave of kind due but not as duty period.

The assertion made by the learned counsel for the petitioner is to the effect that subsequently on the chargesheet conveyed to the petitioner, reply was filed vide registered post dated 25.07.2016, which stands filed without conducting any departmental enquiry against the petitioner and merely a warning was given to him vide order dated 27.01.2017(Annexure P-8). The said order clearly depicts that reply submitted by the petitioner to the chargesheet was considered and nothing incriminating was found against him and only a warning to be more careful in future was given to the petitioner.

Learned counsel for the petitioner has relied upon the Division Bench judgment of this Court titled *Hukam Singh vs. State of Haryana and another 2001(1) RSJ 201*, whereby it was held that the petitioner once acquitted

in a criminal case and reinstated in service then intervening period would be treated as duty period. In the light of of rule 7.5, if petitioner stands acquitted then he is entitled for full salary and allowances for period of suspension and dismissal.

In the instant case as well, the petitioner was suspended and charge-sheeted on account of pendency of one FIR No.16 dated 27.11.2013 under Sections 7 and 13 of the Prevention of Corruption Act but now the petitioner has been acquitted by the Court of Sessions vide its judgment of acquittal dated 31.01.2015 (Annexure P-1). Both the parties are ad idem that no appeal has been preferred by the respondent-State against judgment of acquittal.

In the light of the above facts and circumstances as discussed above, wherein the petitioner was let off with warning after particularly having being acquitted in FIR No.16 dated 27.11.2013 under Sections 7 and 13 of Prevention of Corruption Act and also relying upon the case law ***Hukam Singh*** (supra) and ***Shashi Kumar v.s Uttri Haryana Bijli Vitran Nigam 2005(1) SLR 659***, the present petition stands allowed.

07.08.2023

P.Bhatt

(SANDEEP MOUDGIL)

JUDGE

Whether speaking/reasoned	Yes/No
Whether reportable	Yes/No