

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

215

CWP-8795-2016

Decided on : 06.11.2023

Bhanwar Singh

. . . Petitioner

Versus

State of Haryana and others

. . . Respondents

CORAM: HON'BLE MR. JUSTICE HARSIMRAN SINGH SETHI

PRESENT: Mr. Ashik Malik, Advocate for
Mr. Ravi Malik, Advocate
for the petitioner.

Mr. Saurabh Mohunta, DAG, Haryana.

HARSIMRAN SINGH SETHI, J. (ORAL)

1. In the present petition, the challenge is to the order dated 01.09.2014 (Annexure P-3) as well as to the letter dated 01.01.2015 (Annexure P-5) by which, the request of the petitioner for the release of the salary for the period the petitioner remained suspended during the pendency of the criminal proceedings has been rejected.

2. As per the averments made in the petition, the petitioner was placed under suspension on 20.04.2005 keeping in view the allegations of tempering in the official record. A charge sheet was also served upon the petitioner on 19.10.2005 in which departmental proceedings, the allegations alleged were proved by the Enquiry Officer vide his report dated 29.01.2007. It may be noticed that in regard to the same allegations, a criminal case was also registered vide FIR No. 107 dated 10.05.2005 at Police Station Hodal. The petitioner was reinstated in service on 26.04.2006 during the pendency of the disciplinary as well as criminal proceedings.

3. Upon reinstatement, the petitioner is seeking full pay for the suspension period on the ground that on 18.03.2014, the petitioner has been acquitted in the criminal case. On 22.08.2014, the claim of the petitioner for grant of full salary for the suspension period was declined on the ground that the petitioner had been found guilty in the departmental proceedings and nothing beyond the suspension allowance will be paid to him but the suspension period was treated as a duty period for other intents and purposes.

4. The claim of the petitioner in the present petition is that keeping in view Rule 7.3 of the Haryana Civil Services Rules, the petitioner is entitled for full salary for the suspension period i.e. 19.04.2005 till 31.04.2006. Learned counsel for the petitioner argues that once the petitioner has been found innocent in the criminal proceedings, even if the petitioner has been held guilty in the departmental proceedings, the petitioner should be entitled for full salary for the suspension period.

5. Learned State counsel, on the other hand, submits that once the petitioner was found guilty in the departmental proceedings as the allegations alleged against the petitioner in the charge sheet were proved, the department was well within its jurisdiction in not giving full salary to the petitioner for the period of suspension. Learned State counsel further submits that keeping in view the facts and circumstances that even if the petitioner is acquitted of the criminal proceedings, no benefit of full pay during the suspension period can be allowed.

6. I have heard learned counsel for the parties and have gone through the record with their able assistance.

7. In the present case, the petitioner has been found guilty of the departmental proceedings. That being so, once the petitioner has been found

guilty in the departmental proceedings, it cannot be said that the petitioner is innocent so as to get full salary for the period he remained under suspension. Mere acquittal in the criminal case would not entitle the petitioner the full salary for the suspension period, keeping in view the judgment of the Hon’ble Supreme Court of India in Civil Appeal No. 3339 of 2019 titled ***Raj Narain Vs. Union of India and others*** decided on 01.04.2019.

8. Learned counsel for the petitioner has not been able to rebut the factual position as well as settled principle of law noticed herein so as to claim the benefit as raised in the present petition.
9. Keeping in view the factual position narrated hereinabove as well as the settled principle of law, no ground is made out for any interference by this Court in the impugned order.
10. The writ petition is accordingly dismissed.

(HARSIMRAN SINGH SETHI)
JUDGE

06.11.2023
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Whether reasoned/speaking?	Yes/No
Whether reportable?	Yes/No