

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

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**CWP-26874-2022 (O&M)
Date of decision: 23.02.2023**

Jogender Pal

...Petitioner

Versus

State of Haryana and others

...Respondents

CORAM: HON'BLE MR. JUSTICE HARNARESH SINGH GILL

Present:- Mr. Vivek Suri, Advocate for the petitioner.

Mr. Rajesh Gaur, Addl. AG Haryana.

HARNARESH SINGH GILL, J. (ORAL)

Prayer in the present petition is for issuance of a writ in the nature of certiorari quashing the order dated 01.10.2021 (Annexure P-4), whereby the suspension period of the petitioner from 21.06.2011 to 28.02.2013 has been treated as duty period for retiral/pensionary benefits and the allowances have been limited to the extent already paid to him and for directing the respondents to release the financial benefits to the petitioner along with all the consequential benefits @ 18% interest per annum, for the said period.

Short reply filed on behalf of respondent Nos. 1 and 2 in the Court is taken on record.

Learned counsel for the petitioner submits that the petitioner was appointed as a Science Master on 23.12.1993 in Government High School, Dudhwa, District Bhiwani and thereafter, promoted to the post of English Lecturer on 10.12.2004; that due to some disciplinary action, the petitioner remained suspended from 21.06.2011 to 28.02.2013 and he was re-instated vide order dated 27.02.2023 (Annexure P-2); that during the suspension

period, he was paid subsistence allowance to the extent of 50% for six months and thereafter, 75% as per Rules; that the petitioner was issued charge-sheet on 05.06.2013 and after considering his reply, the charge-sheet was dropped on 09.08.2018 and that now on attaining the age of superannuation, the petitioner retired on 31.08.2019. The prayer in the present petition is that the allowances, which were admissible to the petitioner during the suspension period, as well as the consequential benefits along with 18% interest per annum, be granted to the petitioner by treating the suspension period as duty period.

Learned State counsel points out that as per the order dated 25.01.2023 (Annexure R-1) submitted with the short reply, the suspension period of the petitioner has been treated as duty period for all benefits.

At this stage, learned counsel for the petitioner submits that since the consequential relief has already been granted to the petitioner and prays to issue direction to the respondents to give the dues to the petitioner within a stipulated period.

I have heard the learned counsel for the parties and have also gone through the case file.

In view of the order dated 25.01.2033 (Annexure R-1) passed by respondent No.2-Director General, Secondary Education Haryana, the present petition is disposed of with a direction to the authorities concerned to pay the dues to the petitioner at the earliest.

(HARNARESH SINGH GILL)
JUDGE

23.02.2023
Mangal Singh

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