

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

136

CWP-25293-2023

Date of Decision : 08.11.2023

Amrik Singh

..... Petitioner

Versus

Union of India and others

..... Respondents

CORAM: HON'BLE MR. JUSTICE JAGMOHAN BANSAL

Present : Mr.Gurpreet Singh, Advocate
Mr. Jaskaran Singh, Advocate
Ms.Gunjan Nahata, Advocate
Mr. Karan Kathuria, Advocate
for the petitioner.

Ms. Anita Balyan, Sr.Panel Counsel
for the respondents-UOI.

JAGMOHAN BANSAL, J. (Oral)

1. The petitioner through instant petition under Articles 226/227 of Constitution of India is seeking setting aside of order dated 01.09.2023 (Annexure P-6), passed by revisionary authority, to the extent the matter has been remanded back to re-adjudicate Articles 2 and 3 and further petitioner has been deprived from salary of one year.

2. Learned counsel for the petitioner, at the outset, submits that respondents No.3 and 7 may be deleted from the memo of parties. The respondents No.3 and 7 stand deleted from the array of respondents.

3. Learned counsel for the petitioner *inter alia* submits that revisionary authority has dropped Article 1 and Articles 2 & 3 were consequential, thus, there was no occasion to remand the matter qua

Articles 2 and 3. The petitioner was not at fault for the period during which

he remained absent from duty, thus, the period cannot be treated as 'no work period'. The respondent is bound to pay salary for the said period.

4. Learned counsel for the respondents-UOI, who on advance notice is present in Court, asserts that the matter has been remanded back to the disciplinary authority and Articles 2 and 3 are independent from Article 1. The petitioner did not work during his termination period and during suspension, he was paid subsistence allowance, thus, cannot be paid full salary for the said period.

5. With the consent of both sides, the matter is taken up for final disposal.

6. Concededly, the revisionary authority has partially allowed revision of the petitioner. The petitioner has been exonerated from Article 1 and matter has been remanded qua Articles 2 and 3. The petitioner is bound to face proceedings qua Articles 2 & 3. To avoid the delay and minimize cost of litigation, the respondent is directed to decide Articles 2 and 3 on the basis of available material instead of conducting fresh inquiry. If the petitioner is exonerated from Articles 2 and 3, the respondent shall re-consider claim of the petitioner with respect to salary, in accordance with law and without being influenced by impugned order dated 01.09.2023. The entire process shall be completed within 06 months from today.

6. The petition stands disposed of.

(JAGMOHAN BANSAL)
JUDGE

08.11.2023
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Whether speaking/reasoned	Yes/No
<i>Whether Reportable</i>	<i>Yes/No</i>