

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

107

**CWP-30210-2022
Date of decision: 04.01.2023**

AMRITPAL SINGH

..Petitioner

Versus

STATE OF PUNJAB AND ORS

..Respondents

CORAM: HON'BLE MR. JUSTICE ANIL KSHETARPAL

Present: Mr. Harbans Lal Sharma, Advocate
for the petitioner.

Mr. Charanpreet Singh, AAG, Punjab.

ANIL KSHETARPAL, J(Oral)

The petitioner is facing two criminal cases under the Prevention of Corruption Act, 1988 (hereinafter referred to as 'the 1988 Act').

The petitioner assails the correctness of order passed by the State Transport Commissioner on 07.09.2021 while placing him under suspension. He also prays for a direction to release the subsistence allowances. Sh. Harbans Lal Sharma, Advocate relies upon instruction issued by the Government for the expeditious conclusion of the departmental proceedings. It is provided that the employee should be placed under suspension only if the allegations are of such a nature that suspension is the only appropriate action to be taken against the employee.

It is also provided that if the departmental proceedings remain pending for long time, the Authority will consider his request for reinstatement during the pendency of the departmental inquiry.

This Court has considered the submissions made by the learned counsel representing the petitioner and perused the record.

The petitioner has been placed under suspension on account of pendency of two criminal cases which are pending in the Court under the 1988 Act. Such proceedings are governed by the procedures prescribed under the 1988 Act. Hence, the instructions relied upon by the learned counsel representing the petitioner are not applicable.

As regards the release of suspension allowance, it may be noted that on account of the absence of the petitioner in the Court, the disbursement of the salary was stopped on 31.07.2019. That very Court vide order dated 11.10.2022 has already directed to the Authorities to release his salary.

As regards the suspension allowance, the office of the State Transport Commissioner has already requested his Secretary, Regional Transport Authority, Faridkot, to take some suitable steps.

On instructions from Sh. Rahul Sharma, Senior Legal Assistant, the learned counsel representing the State of Punjab submits that the subsistence allowance along with the arrears of salary, if any, shall be released within a period of two weeks.

In view of the aforesaid discussion, no further order is required to be passed.

Dismissed.

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

January 04th, 2023

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(ANIL KSHETARPAL)
JUDGE

Whether speaking/reasoned : *Yes/No*

Whether reportable : *Yes/No*