

**CWP-5228-2024 1****IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH****(108)****CWP-5228-2024****Date of Decision : July 31, 2024****Suresh Kumar****.. Petitioner****Versus****State of Punjab and others****.. Respondents****CORAM: HON'BLE MR. JUSTICE HARSIMRAN SINGH SETHI**

Present: Mr. Pankaj Bains, Advocate, for
 Mr. Ritesh Aggarwal, Advocate, for the petitioner.

 Mr. Arun Gupta, Deputy Advocate General, Punjab.

HARSIMRAN SINGH SETHI J. (ORAL)

1. Learned counsel for the petitioner argues that while imposing the punishment, even the suspension period has been treated as leave of kind due so as to make the petitioner liable to return the suspension allowance also, which is not permissible keeping in view the Rules governing the service hence, even if the petitioner is held guilty of the allegations, suspension period can only be treated as duty period but without any further emoluments whereas, in case, the impugned order is allowed to exist, the petitioner will have to return even suspension allowance.

2. Learned counsel for the petitioner submits that the grievance raised in the present petition has already been raised by the petitioner in the legal notice dated 16.10.2023 (Annexure P-13) which is still pending

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consideration with the respondents and the petitioner will be satisfied at this stage in case a time bound direction is issued to the respondents to decide the said legal notice by passing an appropriate speaking order.

3. Notice of motion.

4. Mr. Arun Gupta, learned Deputy Advocate General, Punjab, who is present in the Court, accepts notice on behalf of the respondents.

5. Learned counsel for the respondents submits that in case the legal notice dated 16.10.2023 (Annexure P-13) has been received in the office of the concerned authorities and the same is still pending consideration with the authorities concerned, the same will be decided by the competent authority within a period of eight weeks from the date of the receipt of certified copy of this order by passing an appropriate speaking order and in case, after the decision any relief is to be extended to the petitioner, the same will be extended, otherwise due reasons will be mentioned in the speaking order to be passed for not accepting the claim of the petitioner for his information and necessary action.

6. Learned counsel for the petitioner submits that keeping in view the statement of learned State counsel, the present writ petition may kindly be disposed of having been not pressed any further.

7. Ordered accordingly.

July 31, 2024*harsha***(HARSIMRAN SINGH SETHI)****JUDGE**

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No