

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

206

RSA-663-1997 (O&M)
Decided on :12.03.2024

STATE OF HARYANA AND ORS. . . APPELLANTS
Versus
SHIV PARKASH AND ORS. . . RESPONDENTS

CORAM: HON'BLE MR. JUSTICE HARSIMRAN SINGH SETHI

PRESENT: Ms. Vibha Tewari, AAG, Haryana.

None for the respondents.

HARSIMRAN SINGH SETHI, J. (Oral)

1. In the present regular second appeal, the challenge is to the judgments and decrees of the Courts below by which, the claim of the respondents- plaintiffs that the suspension period be treated as a duty period has been allowed.
2. As per the record, while issuing notice in the present regular second appeal, the judgments and decrees of the Courts below were stayed on 04.03.1997 and nothing has come on record as to whether the respondent is alive to defend the present regular second appeal or not.
3. Today, there is no representation on behalf of the respondent- plaintiffs.
4. Learned counsel for the appellant submits that keeping in view the judgment of the Division Bench of this Court in CWP No. 425 of 1996, titled as **Kiran Sharma v. State of Haryana, decided on 10.01.1996**, the question of law has already been settled that after imposing the punishment in the disciplinary proceedings, the employer has right to decide as to whether, the suspension period is to be treated as a duty period or not.
5. Learned counsel for the appellant further submits that as there is

no information as to whether the respondent is alive to defend the present regular second appeal or not, the present regular second appeal may kindly be disposed of having been not pressed any further with liberty to revive the same in case any execution is filed on behalf of the respondent for the implementation of the judgment and decree challenged in the present regular second appeal.

6. Ordered accordingly.

(HARSIMRAN SINGH SETHI)
JUDGE

12.03.2024

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Whether speaking/reasoned: *Yes/No*
Whether Reportable: *Yes/No*