



IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

(215)

CWP No. 9897 of 2019

Date of Decision : 28.05.2024

Karan Singh

...Petitioner

Versus

State of Haryana and others

...Respondents

CORAM: HON'BLE MR. JUSTICE HARSIMRAN SINGH SETHI

Present: Mr. Raj Kumar Bhatia, Advocate for the petitioner.

Ms. Vibha Tewari, Assistant Advocate General, Haryana.

Harsimran Singh Sethi J. (Oral)

In the present petition, the grievance being raised by the petitioner is that while deciding the suspension period after conducting the departmental enquiry, the same has been treated as without pay and has also been treated as a non-qualifying period.

Learned counsel for the petitioner argues that while conducting a departmental enquiry, the petitioner was suspended from 10.03.2011 and he remained under suspension till 02.05.2011 after which he was reinstated. Learned counsel for the petitioner submits that in the departmental proceedings, only a warning to be remain careful in future was given but the suspension period has been treated as a period without pay and the same has been treated as a non-qualifying period, which is



arbitrary and illegal and even the subsistence allowance given for the suspension period has been withdrawn.

Learned counsel for the respondents, on the other hand, submits that once the petitioner was held guilty in the departmental proceedings and he was warned to remain careful in future, the department can decide about the suspension period and hence, no grievance can be raised by the petitioner.

I have heard learned counsel for the parties and have gone through the record with their able assistance.

After holding the departmental proceedings, it is within the domain of the department to decide about the suspension period. In case, an employee has been exonerated, the said employee will become entitled for all the benefits of the suspension period but in case, an employee has been held guilty and punished, the department is well within its jurisdiction to decide the suspension allowance.

In the present case, the respondents decided to warn the petitioner to remain careful in future, which is a minor punishment. Further, once a minor punishment has been imposed, it cannot be said that the suspension period is to be treated as a non duty period. Once, the petitioner has already been paid subsistence allowance for the suspension period, at the most, the respondents could have said that the petitioner will not be paid any other emoluments over and above the subsistence allowance already paid.



Even otherwise, the suspension period cannot be treated as a non duty period so as to be treated as a non-qualifying service period as well. No rule has been cited to pass such kind of an order.

Keeping in view the above, it is directed that the suspension period of the petitioner will be treated as a qualifying service and he will not be paid anything over and above the subsistence allowance already paid. In case, the said subsistence allowed has been recovered, the same be refunded back to the petitioner and the petitioner be given the benefit of the suspension period qua qualifying service while computing the pensionary benefits.

Petition is allowed in above terms.

May 28, 2024
kanchan

(HARSIMRAN SINGH SETHI)
JUDGE

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No