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IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH  
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CWP-12896-2017

Date of Decision: May 14, 2024

Jagbir Singh

.... Petitioner

Versus

State of Haryana and others

.... Respondents

CORAM: HON'BLE MR. JUSTICE HARSIMRAN SINGH SETHI

Present: - Mr. N. S. Swaitch, Advocate  
for the petitioner

Mr. S. S. Mann, Addl. A.G., Haryana.

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**HARSIMRAN SINGH SETHI, J. (ORAL)**

1. In the present writ petition, the challenge is to the orders dated 31.03.2008 and 03.07.2008 (Annexure P-12 and Annexure P-13) respectively. Further challenge is to the order passed in appeal dated 30.8.2011 (Annexure P-19) by which, the order imposing the punishment of censure has been upheld.
2. Learned counsel for the petitioner argues that the petitioner is not pressing his claim for the punishment of censure but he is only pressing his claim qua order dated 3.07.2008 (Annexure P-13) by which the period of suspension from 23.03.2007 to 18.06.2007 has been treated as absence period and the said order has been upheld by the authorities concerned.
3. Learned State counsel on the other hand, submits that though, initially the period of suspension was treated as an absence period in an appeal preferred by the petitioner, vide order dated 30.08.2011, the said period has already been treated as a leave of the kind due, and nothing is to be paid over and above the suspension allowance already paid and hence no grievance can be raised by the petitioner in the present petition.

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

5. It may be noticed that the petitioner was exonerated by the enquiry officer of the allegations alleged against him. It is only upon the fact that the Punishing Authority did not agree with the findings of the enquiry officer, a disagreement note was issued and was given to the petitioner after which, the petitioner was given the punishment of censure. The punishment of censure is a minor punishment. The charges framed against the petitioner were also not that serious for which he was being punished. Once, a minor punishment has been imposed upon the petitioner treating the period of suspension as a leave of the kind due is without any valid justification. Hence, the period of suspension be treated as a duty period but, without any further emoluments over and above the suspension allowance already paid so that, the petitioner does not suffer any prejudice at the time of his retirement qua the said period to be treated as qualifying service.

6. The writ petition is disposed of in above terms.

**May 14, 2024***archana***( HARSIMRAN SINGH SETHI )****JUDGE****Whether speaking/reasoned****Whether Reportable****Yes/No****Yes/No**