

LPA No. 720 of 2022

2024:PHHC:152663-DB



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

**1. LPA No. 720 of 2022
Date of Decision: November 20, 2024**

**Punjab State Civil Supplies Corporation Limited and others
..... Appellants**

Versus

Harjant Singh Respondent

2. LPA No. 1090 of 2022

Harjant Singh Appellant

Versus

**Punjab State Civil Supplies Corporation Limited and others
..... Respondents**

**CORAM:- HON'BLE MRS. JUSTICE LISA GILL
HON'BLE MRS. JUSTICE MEENAKSHI I. MEHTA**

Present: Mr. Birinder Pal, Advocate for the appellants in LPA-720-2022.

**Mr. Parveen Kumar Garg, Advocate
for the appellant in LPA-1090-2022 and
for the respondent in LPA-720-2022.**

LISA GILL, J.

**1. This order shall dispose of two appeals i.e. LPA Nos. 720 and
1090 of 2022. Both the appeals arise out of common order dated 20.05.2022
passed by learned Single Bench whereby CWP-30041-2017 filed by writ
petitioner was allowed. LPA-720-2022 has been filed by respondent - Punjab**

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State Civil Supplies Corporation Limited and others and LPA-1090-2022 has been filed by writ petitioner.

2. Brief facts necessary for adjudication of the matter are that writ petitioner filed CWP-30041-2017 for setting aside order dated 14.12.2011 whereby his claim for payment of full salary for suspension period was rejected despite the fact that he was ultimately found innocent qua allegations against him for which he had been suspended. Writ petitioner was serving as Inspector Grade - I with Punjab State Civil Supplies Corporation Limited. Writ petitioner was placed under suspension on 25.04.2000 and charge sheet issued on 01.03.2001 with the allegations detailed against him in respect to misappropriating storages of Corporation by millers due to certain actions on his part, as are detailed therein, which led to loss being caused to the Corporation. He remained under suspension till 27.02.2004. Competent authority i.e. Managing Director vide order dated 09.02.2007 after completion of disciplinary proceedings, awarded punishment of recovery of amount in question in case the same is not recovered from various mills. Employee/writ petitioner filed statutory appeal which was allowed on 14.12.2011 wherein it was observed that no malafide against employee had been found as per inquiry report dated 30.07.2002 and that in respect to the amount to be recovered, arbitration Awards had been delivered in favour of the Corporation. Therefore, no recovery was due from the official in terms of instructions dated 02.08.2007. In the interregnum during pendency of appeal, order dated 07.03.2011 was passed directing that writ petitioner/ employee shall not be entitled for monetary benefits during suspension period though this period

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would be treated as duty period for the purpose of seniority etc. Aggrieved therefrom, CWP-30041-2017 was filed.

3. Writ petitioner sought release of entire financial benefits for the suspension period alongwith interest. Learned Single Bench on considering the facts and circumstances concluded that once writ petitioner had been found innocent and discharged by appellate Authority vide order dated 14.12.2011, he could not be prejudiced by denying him salary for the period in question. Writ petition was, accordingly, allowed and respondents were directed to deposit full salary to petitioner for the suspension period. Aggrieved therefrom, present appeals have been filed both by the writ petitioner as well as Corporation. Writ petitioner claims that interest upon amount of salary has been wrongly denied whereas Corporation claims that the employee is not entitled to full salary for suspension period as suspension was correctly directed, keeping in view the allegations against employee.

4. Learned counsel for Corporation submits that though the amount in question may have been recovered from millers, same cannot be a ground for release of entire salary to the employee. Order passed by appellate Authority has been misconstrued to be an honourable discharge of an employee, therefore, action of withholding of salary of the employee is justified in the given circumstances as well as on the principle of 'No Work No Pay'. Moreover, subsistence allowance was duly released to employee for the period in question. It is, thus, prayed that impugned order dated 20.05.2022 be set aside and writ petition be dismissed in *toto*.

5. To the contrary learned counsel for writ petitioner while submitting that release of full salary to writ petitioner during suspension

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period has been correctly ordered claims that interest thereon has been erroneously denied to writ petitioner, therefore, impugned order dated 20.05.2022 should be modified to that extent.

6. We have heard learned counsel for parties and have gone through the file with their able assistance.

7. It is a matter of record that writ petitioner was saddled with recovery of amount as detailed in order dated 09.02.2007 which was ultimately set aside by appellate Authority vide order dated 14.12.2011.

8. At this stage, we take note of the fact that it is specifically noted in order dated 14.12.2011 that, “Enquiry Officer Sh. J.P.S. Brar, IAS (Retd.) vide his report dated 30.07.2002 had proved no malafide against him except that milling was not completed by the said Rice Miller”. It is further observed that in terms of instructions dated 02.08.2007, in case Award is given in favour of Corporation/Government Body, recovery is not to be effected from the official. We also take note of the fact that appellate Committee in the case of another employee vide order dated 10.08.2011 specifically observed that as punishment had been withdrawn, suspension period of official should be treated as duty period for all intents and purposes including financial benefits accrued to the employee. It is submitted before us that said order in respect to another employee namely Amarjit Singh has been complied with. There is no denial thereof.

9. In the given facts and circumstances, we do not find any ground for setting aside order dated 20.05.2022. In respect to claim of writ petitioner towards interest, we do not find any justification for grant of same.

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10. Reliance by learned counsel for writ petitioner upon instructions dated 30.04.1998/04.05.1998 to buttress the claim of interest is misplaced. Chargesheet had been duly issued to the employee after his suspension on 25.04.2000, proceedings were conducted in accordance with law which did culminate at the first instance in the order of punishment dated 09.02.2007. However, this order was set aside by appellate Authority on 14.12.2011.
11. In the given facts and circumstances, we do not find any ground for award of interest on the amount directed to be released to the writ petitioner.
12. No other argument has been raised.
13. Keeping in view the facts and circumstances as above, both the appeals are dismissed being devoid of any merit.
14. Pending application(s), if any, stand(s) disposed of as well.

(LISA GILL)
JUDGE

(MEENAKSHI I. MEHTA)
JUDGE

November 20, 2024
Rts

Whether speaking/reasoned : Yes/No.

Whether reportable : Yes/No