



IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CWP-19948 of 2024
Date of decision: 20.08.2024

Nirmal Singh
.....Petitioner

Versus

Punjab State Cooperative Agricultural Development Bank Ltd. and
another
.....Respondents

CORAM: HON'BLE MR. JUSTICE NAMIT KUMAR

Present: - Mr. Manjit Singh Sarao, Advocate,
for the petitioner.

NAMIT KUMAR, J. (ORAL)

1. Challenge in the present petition is to the order dated 22.11.2022 (Annexure P-1) passed by respondent No.2-Additional Managing Director (A&G), Punjab State Co-operative Agricultural Development Bank Limited, Chandigarh (for short ‘the Development Bank’) whereby 648 days’ suspension period of the petitioner has been treated as non-duty period. Further, writ of *mandamus* has been sought for directing respondent No.2 to regularize the suspension period undergone by the petitioner beyond three months as duty period.
2. Briefly stated, the facts as have been stated in the petition are that the petitioner retired as Field Officer from the office of AGM, Development Bank, Patiala, and while he was in service at office of AGM, Development Bank, Sri Fatehgarh Sahib, he was placed under



suspension on 20.11.2020 followed by charge-sheet dated 26.04.2021 and after holding enquiry by following the due procedure, vide order dated 20.05.2022, punishment of stoppage of two annual increments with cumulative effect was imposed upon him and thereafter vide impugned order dated 22.11.2022 suspension period of the petitioner from 20.11.2020 to 29.08.2022 i.e. 648 days has been treated as non-duty period. Thereafter, the petitioner has retired from service on attaining the age of superannuation on 31.12.2022.

3. Learned counsel for the petitioner contends that action of the respondents for placing the petitioner under suspension for 648 days was illegal. He further submits that petitioner has been awarded two punishments i.e. one of stoppage of two annual increments with cumulative effect and second whereby suspension period of 648 days has been treated as non-duty period and no reasons have been assigned in the impugned order and the same is non-speaking order. In support of his contentions, learned counsel for the petitioner has placed reliance upon the judgment of this Court in ***CWP-20588 of 2014 – Jasbir Singh and another vs. Punjab State Civil Supplies Corporation Ltd. and others dated 11.02.2016.***

4. I have heard learned counsel for the petitioner and perused the record.

5. Admittedly, the petitioner was placed under suspension vide order dated 20.11.2020 (Annexure P-2), which was followed by charge-sheet dated 26.04.2021 and enquiry into the charge-sheet was completed on 14.10.2021 and the petitioner was issued show-cause



notice dated 25.11.2022 and thereafter vide order dated 20.05.2022 punishment of stoppage of two annual increments with cumulative effect was awarded. Thereafter vide order dated 22.11.2022, suspension period from 20.11.2020 to 29.08.2022 i.e. 648 days was treated as non-duty period. The decision of the present petition is purely based upon question of law which is no more *res integra*. Once, the petitioner has been awarded the major punishment of stoppage of two annual increments with cumulative effect after following due procedure of law, there is nothing wrong in treating the suspension period as non-duty period. Reliance is placed upon the judgment of the Hon'ble Supreme Court in ***Om Pal Singh v. Disciplinary Authority and others, 2020(1) SCT 608***, wherein the Hon'ble Supreme Court has held as under: -

“10. The only question that arises for our consideration in the present appeal is whether the Appellant is entitled to payment of salary for the period of suspension i.e. from 29.07.2003 to 10.09.2012. There is no need to reiterate that the order of dismissal was set aside and the punishment of reduction in time scale of pay was imposed on the Appellant. It is clear that the findings of the Inquiry Officer that the charges against the Appellant were proved and have not been disturbed. Reduction of the penalty from dismissal to that of reduction in time scale of pay does not result in exoneration of the Appellant of the charges framed against him. However, it is for the Disciplinary Authority to take a decision as to how the period of suspension shall be treated. While passing the impugned order dated 29.10.2015, the Disciplinary



Authority held that the Appellant shall not be entitled for any payment from 06.07.2004 to 29.08.2012.

*11. In **J.K. Synthetics Ltd. v. K.P. Agrawal & Anr., 2007(2) S.C.T. 79 : (2007) 2 SCC 433**, this Court dealt with the issue regarding the entitlement of a delinquent to claim continuity of service and consequential benefits in all cases of reinstatement as follows:*

*“17. There is also a misconception that whenever reinstatement is directed, 'continuity of service' and 'consequential benefits' should follow, as a matter of course. The disastrous effect of granting several promotions as a 'consequential benefit' to a person who has not worked for 10 to 15 years and who does not have the benefit of necessary experience for discharging the higher duties and functions of promotional posts, is seldom visualized while granting consequential benefits automatically. Whenever courts or Tribunals direct reinstatement, they should apply their judicial mind to the facts and circumstances to decide whether 'continuity of service' and/or 'consequential benefits' should also be directed. We may in this behalf refer to the decisions of this Court in **A.P.S.R.T.C. v. S. Narasa Goud [2003 (2) SCC 212]**, **A.P.S.R.T.C. v. Abdul Kareem [2005 (6) SCC 36]** and **R.S.R.T.C. v. Shyam Bihari Lal Gupta [2005 (7) SCC 406]**.”*

12. It was further held in [the said judgment](#) that if reinstatement is a consequence of imposition of a lesser punishment, neither back-wages nor continuity of service nor consequential benefits follow as a natural or necessary consequence of such reinstatement. This Court went on to hold that where the misconduct was held to be proved, reinstatement by itself is a consequential benefit arising from imposition of a lesser punishment. However,



this Court was of the opinion that award of back wages for the period when the employee has not worked may amount to rewarding the delinquent employee and punishing the employer for taking action against the misconduct committed by the employee, which should be avoided.

13. Following the aforementioned judgment, we are of the opinion that the decision of the Disciplinary Authority in not paying the salary for the period of suspension cannot be said to be contrary to law.”

6. Judgment in the case of **Jasbir Singh (supra)**, cited by learned counsel for the petitioner, is not applicable to the facts of the present case as in the said case, the challenge was to the order of suspension dated 02.09.2014 on the ground that even after lapse of one year and five months, suspension order continued without issuance of any charge-sheet. Whereas, in the present case, the petitioner has already retired from service on attaining the age of superannuation on 31.12.2022 and at this point of time i.e. after expiry of more than one year and eight months from the date of passing of impugned order, he cannot question the continuation of suspension period beyond the period of three months particularly when on 20.05.2022, the petitioner has already been awarded the punishment. So far as the argument raised by learned counsel for the petitioner that he has been awarded two punishments, is mis-conceived and the same is liable to be rejected at the threshold as only punishment of stoppage of two annual increments with cumulative effect has been awarded in terms of enquiry conducted by the respondents and the suspension period has been ordered to be regularised as non-duty period.



8. In view of the above, finding no merit in the present petition, the same is dismissed.

20.08.2024
R.S.

(NAMIT KUMAR)
JUDGE

Whether speaking/reasoned

:

Yes/No

Whether Reportable

:

Yes/No