

CWP-27626 of 2024

2024:PHHC:135221



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

CWP-27626 of 2024

Date of decision: 16.10.2024

Harinder Singh Chahal

.....Petitioner

Versus

State of Punjab

.....Respondent

CORAM: HON'BLE MR. JUSTICE NAMIT KUMAR

Present: - Mr. Dhiraj Chawla, Advocate,
for the petitioner.

Mr. Rajesh Sehgal, Addl. A.G., Punjab.

NAMIT KUMAR, J. (ORAL)

1. Present petition has been filed under Article 226 of the Constitution of India for issuance of a writ in the nature of *mandamus* directing the respondent-department to count the out of service period of the petitioner (09.04.2013 to 04.03.2015) as duty period for all intents and purposes having been exonerated vide orders dated 04.03.2015 (Annexure P-1) and consequently reinstated vide orders dated 22.04.2015 (Annexure P-2). Further direction has been sought to the respondent to pay the arrears of salary and increments after treating the out of service period (09.04.2013 to 04.03.2015) as duty period at par for all intents and purposes along with interest @ 9% till its actual disbursement.

2. Learned counsel for the petitioner submits that in pursuance to the charge-sheet dated 21.05.2012, the petitioner was

CWP-27626 of 2024

2024:PHHC:135221



awarded the punishment of reversion, vide order dated 09.04.2013, from the post of Executive Officer to the post of Superintendent. On an appeal filed by the petitioner, the said punishment order was initially stayed on 17.04.2013 and thereafter the said appeal was allowed vide order dated 04.03.2015 (Annexure P-1), and the order of punishment of reversion dated 09.04.2013 was set aside. Thereafter, the petitioner was reinstated in service vide order dated 22.04.2015 as Executive Officer. Thereafter, vide order dated 21.09.2015 (Annexure P-3), the intervening period from 09.04.2013 to 24.04.2015 has been treated as 'leave of kind due' and whereas as per Rule 7.3 of the Punjab Civil Services Rules, Volume 1 Part 1, the same was required to be treated as duty period for all intents and purposes. He further submits that one Sh. Avtar Singh Azad, who was also proceeded departmentally along with the petitioner and was awarded the punishment of compulsory retirement and on an appeal filed by him he was also reinstated in service, in his case the intervening period has been treated as duty period vide order dated 14.09.2016 (Annexure P-5). However, the petitioner has been treated differently. He further submits that the petitioner has served a legal notice dated 12.05.2024 (Annexure P-8) for treating the said period as duty period, however, neither the said period has been treated as duty period nor the said legal notice has been replied. He submits that the petitioner would be satisfied at this stage if time-bound directions are issued to the respondent to consider and decide the said legal notice.

3. Notice of motion.

CWP-27626 of 2024

2024:PHHC:135221



4. Mr. Rajesh Sehgal, Addl. A.G., Punjab, accepts notice on behalf of the respondent and has no objection to the innocuous prayer made by learned counsel for the petitioner.

5. I have heard learned counsel for the parties and have gone through the record of the case.

6. Without expressing any opinion on the merits of the case or the claim being made by the petitioner in the present petition, respondent is directed to consider and decide the claim made by the petitioner in legal notice dated 12.05.2024 (Annexure P-8) in accordance with law, by passing a speaking order within a period of three months from the date of receipt of certified copy of this order. In case, the petitioner is found entitled, necessary benefits be released within a period of three weeks thereafter.

7. The petition stands disposed of.

(NAMIT KUMAR)
JUDGE

16.10.2024
R.S.

Whether speaking/reasoned : Yes/No

Whether Reportable : Yes/No