



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

CWP-34743-2024

Date of Decision: 19.12.2024

MANGAL SINGH AND ANOTHER

..... Petitioners

Versus

STATE OF PUNJAB AND OTHERS

..... Respondents

CORAM: HON'BLE MR. JUSTICE JAGMOHAN BANSAL

Present : Mr. G.P.S. Randhawa, Advocate
for the petitioners.

Mr. Aman Dhir, DAG, Punjab.

JAGMOHAN BANSAL, J. (Oral)

1. The petitioners through instant petition under Articles 226/227 of the Constitution of India are seeking setting aside of charge-sheet dated 05.11.2024 (Annexures P-7 & P-8) and direction to respondents to pay salary for suspension/alleged absence period.

2. The petitioners were implicated in an FIR. They were suspended on 11.07.2023 as well as transferred out of district. Their suspension was revoked on 11.11.2023. The police after completing investigation filed cancellation report which was duly accepted by the Trial Court.

3. In view of these facts and circumstances, the petitioners were reinstated. On account of pending criminal case, they did not join at place of transfer. They were permitted to join their parent district as soon as cancellation report was accepted. From the date of their



suspension/transfer and date of re-joining, a period of more than 400 days passed away during which they were marked absent from duty. They neither remained present during suspension nor thereafter.

3. Mr. G.P.S. Randhawa, Advocate for the petitioners submits that petitioners could not join at Amritsar because SSP, Amritsar did not permit them. There was no lapse on their part, thus, they are entitled to salary for the alleged absence period.

4. Notice of motion.

5. Mr. Aman Dhir, DAG, Punjab who on advance notice is present in Court, accepts notice on behalf of the respondent-State and waives service.

6. With consent of learned counsel for the parties, the case is taken up for final disposal.

7. Learned State Counsel submits that petitioners remained absent from duty for more than 400 days and Competent Authority has rightly issued charge-sheet. They have filed representation which is under consideration. The Competent Authority would consider their claim for the salary of the past period.

8. I have heard the arguments of learned counsel for the parties and perused the record.

9. The respondent has issued charge-sheet alleging absence from duty. The petitioners are claiming that there was no intentional absence from duty. They were ready to join and jurisdictional SSP did not permit them. Even the senior officers directed SSP to permit the petitioners to join.

These are disputed facts and this Court cannot set aside



charge-sheet when disputed facts are involved. It is not a pure question of law. The respondent as conceded would consider claim of petitioners for salary of previous period.

10. This Court is sanguine of the fact that Competent Authority would consider claim of petitioners for arrears in the light of applicable rules as well as judgment of this Court in *‘Iqbal Singh Vs. State of Punjab and others’ (2024) SCC OnLine P&H 5027*.

11. Disposed of in above terms.

(JAGMOHAN BANSAL)
JUDGE

19.12.2024
Ali

Whether speaking/reasoned	Yes/No
Whether Reportable	Yes/No