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

**CWP-7243-2000 (O&M)
Date of Decision:08.04.2025**

MAHABIR PARSHAD

..... Petitioner

Versus

**THE HARYANA MINOR IRRIGATION TUBEWELL
CORPORATION LIMITED.**

..... Respondent

CORAM: HON'BLE MR. JUSTICE JAGMOHAN BANSAL

Present : Mr. R.K. Malik, Sr. Advocate with
Mr. Sandeep Dhull, Advocate
for the petitioner.

Mr. Padamkant Dwivedi, Advocate
for the respondent.

JAGMOHAN BANSAL, J. (Oral)

1. The petitioner through instant petition under Article 226 of the Constitution of India is seeking setting aside of order dated 10.05.2000 (Annexure P-14) whereby respondent has treated suspension period as leave of the kind due.

2. The petitioner joined respondent as Sub Divisional Clerk on 11.12.1978. He came to be promoted as Assistant w.e.f. 15.06.1983. He was implicated in a criminal case registered under Sections 147, 148, 323, 325, 326, 307 and 302 read with Section 149 of the Indian Penal Code and under Section 27 of the Arms Act. He was arrested and remained in custody from 17.05.1993 to 23.06.1993. This fact was not in the knowledge of the respondent, thus, he was not suspended as soon as he was arrested. The fact of criminal case came in the knowledge of respondent at a later stage and petitioner came to be suspended w.e.f.



09.04.1994. He faced trial and came to be acquitted vide judgment dated 25.10.1997 (Annexure P-5). The respondent reinstated him on 21.04.1999. He was paid 50% of salary as subsistence allowance from 09.04.1994 to 27.10.1997 and thereafter 75% till the date of his reinstatement. The petitioner claims that as per applicable Rules, he was entitled to 75% of salary on the expiry of 6 months from the date of his suspension whereas he was paid 50% till the date of his acquittal. He was further entitled to 100% from the date of his acquittal to the date of reinstatement.

3. Mr. Padamkant Dwivedi, Advocate for the respondent expressed his inability to controvert the fact that as per applicable Rules, he was entitled to 75% of last drawn salary as subsistence allowance on the expiry of 6 months from the date of suspension and 100% from the date of his acquittal. However, submits that petitioner is not entitled to any other relief like increments during the period of suspension.

4. I have heard the arguments of learned counsel for the parties and perused the record with their able assistance.

5. From the perusal of record and arguments of both sides, it is evident that as per applicable Rules, petitioner was entitled to 75% of salary as subsistence allowance on the expiry of 6 months from the date of suspension whereas he was paid 50% till the date of his acquittal. As he was entitled to 75% till the date of his acquittal, the respondent is hereby directed to pay him 75% of salary instead of 50% from the date of expiry of 6 months from the date of suspension till the date of acquittal. He was paid 75% of salary from the date of acquittal to the date of reinstatement whereas he was entitled to 100%, thus, respondent is



hereby directed to pay differential amount of salary from the date of acquittal to the date of reinstatement. The respondent shall not be liable to pay interest on the arrears if payment is made within three months from today, failing which respondent shall be liable pay interest @ 9% per annum.

- 6. Disposed of in above terms.
- 7. Pending misc. application (s), if any, shall also stand disposed of.

(JAGMOHAN BANSAL)
JUDGE

08.04.2025
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Whether speaking/reasoned	Yes/No
Whether Reportable	Yes/No