



IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

LPA-594-2024 (O&M)

Date of Decision: 18th August, 2025

MANAGING DIRECTOR, UTTAR HARYANA VIDYUT VITRAN NIGAM
LIMITED, PANCHKULA AND OTHERS

.....Appellant(s)

V/s.

SOM NATH (RETD. A.F.M.)

.....Respondent(s)

CORAM: **HON'BLE MR. JUSTICE ASHWANI KUMAR MISHRA**
HON'BLE MR. JUSTICE ROHIT KAPOOR

Present Mr. Deepak Balyan, Advocate for the appellants.

Mr. Anand Rohilla, Advocate for the respondent.

ASHWANI KUMAR MISHRA, J. (Oral)

CM-1466-LPA-2024

Delay of 63 days in filing the appeal has been satisfactorily explained. Accordingly, application is allowed and delay of 63 days in filing the appeal is condoned.

LPA-594-2023 (O&M)

1. This Appeal assails an order passed by the learned Single Bench in *CWP-23713-2018*, whereby, the Writ Petition has been allowed, and a direction has been issued to treat the period of suspension as period spent on duty. For such purposes, reliance is placed on the judgment of the Division Bench of this Court in **Hukam Singh** Vs. **State of Haryana and another**; 2001 (1) RSJ 201.

2. Undisputed facts of this case are that the respondent/petitioner was caught red-handed accepting bribe of ₹7,000/- and consequently, he was placed under suspension. Criminal proceedings were also initiated

against him. The criminal proceedings, ultimately, came to be dropped by the concerned Court of Sessions by granting him benefit of doubt. This benefit of doubt was granted in view of the fact that though recovery of the amount from the respondent was proved, but the demand of bribe could not be established. It is in this factual backdrop that concerned Sessions Court granted benefit of doubt to the respondent/petitioner. The respondent/petitioner, ultimately, was reinstated in service.

3. The question before the learned Single Bench was as to how the period of suspension from 27.11.2013 to 24.06.2017 had to be dealt with. The appellants by their order had taken the view that such period would be counted as 'leave of kind due' but not as 'duty period'.

4. Learned Single Bench has taken the view that once the criminal proceedings had resulted in an acquittal of respondent/petitioner, as such this period ought to be treated as period spent on duty.

5. Undisputedly, the service conditions of respondent/petitioner were governed by the provisions of the Punjab Civil Services Rules, Volume-I, as applicable to the State of Haryana. Rule 7.3 of the said Rules dealt with allowances on reinstatement which reads as under:-

Rule 7.3

- (1) *When a Government employee, who has been dismissed, removed, compulsory retired, or suspended, is reinstated, or would have been reinstated but for his retirement on superannuation the authority competent to order the reinstatement shall consider and make a specific order:-*
- (a) *regarding the pay and allowances to be paid to the Government employee for the period of his absence from duty, occasioned by suspension and/or dismissal, removal*

or compulsory retirement ending with his reinstatement on or the date of his retirement on superannuation as the case may be, and (b) whether or not the said period shall be treated as a period spent on duty. (2) Where the authority mentioned in sub-rule (1) is of opinion that the Government employee has been fully exonerated or, in the case of suspension, that it was wholly unjustified, the Government employee shall be given the full pay and allowances to which he would have been entitled, had he not been dismissed, removed, compulsorily retired or suspended, as the case may be.”

6. Rule 7.3 aforesaid clearly provides that only in an event where the employee is fully exonerated that the Government employee shall be given full pay and allowances.

7. In the facts of the present case, respondent/petitioner has not been fully exonerated and specific order was otherwise passed referable to Rule 7.5 for treating the period under suspension to be the period as ‘leave of kind due’ but not as ‘duty period’.

8. In view of the peculiar facts of the case, as noticed above, wherein the respondent/petitioner was given the benefit of doubt because the demand was not established, it cannot be said that the respondent/petitioner was fully exonerated. Once that the case, the relief, as has been prayed for by the respondent/petitioner, could not have been allowed.

9. The view, we propose to take, is otherwise in consonance with law laid down by the Hon’ble Supreme Court in the case of **Uttri Haryana Bijli Vitran Nigam and another** Vs. **Shashi Kumar** in Civil Appeal No.

4114 of 2006. Consequently, the Appeal succeeds and is allowed. The impugned order dated 07.08.2023, passed by the learned Single Bench, is set aside. The writ petition, consequently, is dismissed.

10. All pending applications, if any, in this case are disposed of accordingly.

[ASHWANI KUMAR MISHRA]
JUDGE

[ROHIT KAPOOR]
JUDGE

August 18, 2025
Ess Kay

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