

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

(1) RSA-2203-2006 (O&M)

STATE OF PUNJAB AND ORS

..Appellants

Versus

HARDIAL SINGH

..Respondent

(2) RSA-2204-2006 (O&M)

STATE OF PUNJAB AND ORS

..Appellants

Versus

HARDIAL SINGH

..Respondent

Reserved on: 15.12.2025

Date of decision: 12.02.2026

Uploaded on: 13.02.2026

Whether only the operative part of the judgment is pronounced?

NO

Whether full judgment is pronounced?

YES

CORAM: HON'BLE MRS. JUSTICE SUDEEPTI SHARMA

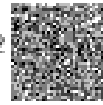
Present: Mr. Animesh Sharma, Addl.A.G. Punjab

Mr. Dharam Pal, Advocate for respondent.

SUDEEPTI SHARMA, J. (Oral)

1. Since two suspension periods were treated as non-duty period vide two different orders, therefore, respondent filed two civil suits challenging order dated 14.03.2001 treating his period of suspension from 16.07.1986 to 21.10.1987 as non-duty period (in RSA-2203-2006) and order dated 02.12.2002 treating his period of suspension from 22.10.1987 to 24.11.1992 as non-duty period (in RSA-2204-2006).

2. The challenge in both the regular second appeals is to judgment and decree dated 19.07.2005 passed by learned Civil Judge (Sr. Division), Ropar, whereby, the civil suits filed by the respondent were decreed in his favour and judgment and decree dated 09.03.2006 passed by Additional

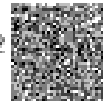


District Judge, Ropar, whereby, appeals filed by the appellant against judgment and decrees dated 19.07.2005 were dismissed.

3. Brief facts of the case are that respondent was employed with District and Food Supplies Department and was posted as Grade-I Inspector in the office of appellants. The plaintiff was placed under suspension vide order dated 16.07.1986 and was reinstated on 21.10.1987. Vide order dated 14.03.2001 his suspension period i.e. from 16.07.1986 to 21.10.1987 was treated as non-duty period (in RSA-2203-2006). And vide order dated 02.12.2002 his suspension period i.e. from 22.10.1987 to 24.11.1992 was treated as non-duty period (in RSA-2204-2006). He challenged both the above orders by filing civil suits and civil suits filed by him were decreed in his favour vide separate judgments and decrees dated 19.07.2005 passed by learned Civil Judge (Sr. Division), Ropar. Appellant filed appeals against judgments and decrees dated 19.07.2005 which were dismissed by learned Additional District Judge, Ropar vide separate judgments and decrees dated 09.03.2006. Hence, the present regular second appeals (i.e. RSA-2203-2006 & RSA-2204-2006).

4. Learned counsel for the appellants contends that both the Courts have wrongly decreed the civil suits filed by the respondent and dismissed the appeals filed by the appellants. He further contends that finding of departmental enquiry was fully ignored. Further that treating suspension period as non-duty period would not amount to double jeopardy. Therefore, he prays that the present appeals be allowed.

5. Per contra, learned counsel for the respondent contends that no notice was issued to the respondent for treating the suspension period as non-



duty period which would amount to double jeopardy and both the Courts have rightly decreed the civil suits and dismissed the appeals filed by the appellant. Therefore, he prays that the present appeals be dismissed.

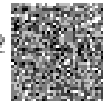
6. I have heard learned counsel for the parties and perused the whole file of the case with their able assistance.

7. The question involved in the present regular second appeals is as to whether treating of suspension period as non-duty period would amount to double jeopardy.

8. A perusal of the record shows that enquiry was conducted against respondent on account of shortage of wheat stored in the year 1983-84 to 1984-85 due to negligence of respondent. Thereafter, recovery of Rs.2,11,451/- was imposed upon him vide order dated 13.09.1992 (in both the appeals) and he was also reverted to the post of Inspector Grade-II for five years.

9. The punishment order was never challenged by the respondent. Consequent to the punishment order, his suspension period from 16.07.1986 to 21.10.1987 and 22.10.1987 to 24.11.1992 were treated as non-duty period vide order dated 14.03.2001 (in RSA-2203-2006) and 02.12.2002 (in RSA-2204-2006).

10. Both the Courts failed to appreciate the very fact that the decision on suspension period was the consequent effect of punishment orders dated 14.03.2001 (in RSA-2203-2006) and 02.12.2002 (in RSA-2204-2006) and the respondent never challenged the same before the authorities or before the Civil Court. Therefore, both the Courts erred in law in holding



that treating of suspension period as non-duty period would amount to double jeopardy.

11. Doctrine of double jeopardy under Article 20(2) of the Constitution of India is not applicable in service jurisprudence. In the present case, respondent was suspended from service and thereafter, punishment of recovery of Rs.2,11,451/- was imposed upon him and he was reverted for five years to the post of Inspector Grade-II. Therefore, after the punishment the period during which he was suspended was also to be decided by the appellants.

12. Rule 7.3-B of Punjab Civil Services Rules (Volume I Part I) clearly says that when a Government employee who has been suspended is reinstated, the competent authority shall consider and make a specific order as to whether the said suspension period shall be treated as period on duty or not which clearly shows that the passing of such order is a consequence of order of punishment. Further no notice is required for deciding the suspension period of an employee since it is a consequence of punishment which is awarded after an enquiry. Therefore, since in the present case the respondent was suspended for a certain period and thereafter, punishment was imposed upon him after holding enquiry, as per Rule 7.3-B his suspension period was to be considered and a specific order was required to be passed. Therefore, a decision on the same would not amount to double jeopardy. Further the appellant never challenged the punishment order and accepted the same.

13. In view of the above, judgments and decrees dated 19.07.2005 passed by learned Civil Judge (Sr. Division), Ropar and judgments and decrees dated 09.03.2006 passed by Additional District Judge, Ropar are set aside.

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14. Accordingly, the present regular second appeals i.e. RSA-2203-2006 and RSA-2204-2006 are **allowed**.
15. Pending miscellaneous applications, if any, are also disposed of.

12.02.2026

(SUDEEPTI SHARMA)
JUDGE

Saahil
Whether speaking/reasoned : Yes/No
Whether reportable : Yes/No