

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

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CWP-33457-2025

Date of Decision : January 20, 2026

KULWANT SINGH

-PETITIONER

V/S

THE STATE OF PUNJAB AND OTHERS

-RESPONDENTS

CORAM: HON'BLE MR. JUSTICE KULDEEP TIWARI

Present: Mr. Nand Lal Sammi, Advocate, and
Mr. Hitesh Kumar Sammi, Advocate
for the petitioner.

Mr. Sahil R. Bakshi, A.A.G., Punjab.

KULDEEP TIWARI, J. (ORAL)

1. Through the instant writ petition, the petitioner yearns for the issuance of direction to the respondent(s) to treat the period of suspension, i.e. from 17.06.2023 to 06.12.2023, as duty period, in view of the speaking order dated 23.10.2024, passed by the competent authority.

2. Learned counsel for the petitioner submits that the competent authority has, in the speaking order (*supra*), penned down a specific observation that the petitioner was not responsible, and that he had served the department for about 38 years. On this basis, the competent authority reconsidered the matter and converted the penalty of dismissal from service into compulsory retirement, effective from the date originally fixed for dismissal.

3. It is further contended that the competent authority has not taken a final decision regarding the petitioner's entitlement to benefits during the suspension period. Although the petitioner received 50%

subsistence allowance during the suspension period, the conversion of the penalty entitles him to all benefits corresponding to the suspension period.

4. This Court has heard the submissions advanced by learned counsel for the petitioner and perused the record.

5. It is pertinent to record here that the petitioner had earlier approached this Court by filing CWP-27001-2025, seeking an alike relief, as claimed in this writ petition. During pendency of the said writ petition, the competent authority passed the impugned order dated 23.05.2025, thereby taking a conscious decision not to consider the petitioner's suspension period as duty period. In view of the supervening events, the said writ petition was closed, with liberty to the petitioner to challenge the said order. Therefore, the instant writ petition has been filed by the petitioner.

6. This Court has examined the impugned order dated 23.05.2025 as well as the speaking order dated 23.10.2024. What emanates from a perusal of the speaking order is that it was passed after taking a sympathetic view towards the 38 years of service rendered by the petitioner with the department. In fact, the speaking order contains a specific observation that the petitioner had attempted to embezzle government funds, though the amount was not significant. On this basis, the penalty of dismissal from service was converted into penalty of compulsory retirement. Subsequently, the competent authority, upon reconsideration of the petitioner's representation, issued the order dated 23.05.2025, consciously deciding not to treat the suspension period as duty period.

7. Learned counsel for the petitioner has not been able to point out any circumstances warranting a view contrary to that taken by the

competent authority. The decision of the competent authority is in accordance with Rule 7.3-B of the Punjab Civil Services Rules (Volume I), which is extracted hereunder:-

“7.3-B. (1) When a Government employee who has been suspended is reinstated or would have been so re-instated but for his retirement on superannuation while under suspension the authority competent to order re-instatement shall consider and make a specific order–

(a) regarding the pay and allowance to be paid to the Government employee for the period of suspension ending with re-instatement 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) Notwithstanding anything contained in rule 7.3 or rule 7.3-A, where a Government employee under suspension dies before the disciplinary or court proceedings instituted against him, are concluded, the period between the date of suspension and the date of death shall be treated as spent on duty for all purposes and his family shall be paid the full pay and allowances for that period to which he would have been entitled, had he not been suspended, subject to adjustment in respect of subsistence allowance already paid.

(3) Where the authority competent to order re-instatement is of opinion that the suspension was wholly unjustified, the Government employee shall, subject to the provisions of sub-rule (8), be paid the full pay and allowances to which he would have been entitled, had he not been suspended:

Provided that where such authority is of opinion that the termination of the proceedings instituted against the Government employee, had been delayed due to reasons directly attributable to the Government employee, it may, after giving him an opportunity to make his representation and after considering the representation, if any, submitted by him, direct, for reasons to be recorded in writing, that the Government employee shall be paid for the period of such delay only such amount (not being the whole) of such pay and

allowances as it may determine.

(4) In a case falling under sub-rule (3), the period of suspension shall be treated as a period spent on duty for all purposes.

(5) In cases other than those falling under sub-rules (2) and (3), the Government employee shall, subject to the provisions of sub-rules (8) and (9), be paid such amount (not being the whole) of the pay and allowances to which he would have been entitled, had he not been suspended, as the competent authority may determine, after giving notice to the Government employee of the quantum proposed and after considering the representation, if any, submitted by him in that connection within such period as may be specified in the notice.

(6) Where suspension is revoked pending finalisation of the disciplinary or court proceedings, any order passed under sub-rule (1) before the conclusion of the proceedings against the Government employee shall be reviewed on its own motion after the conclusion of the proceedings by the authority mentioned in sub-rule (1) who shall make an order according to the provisions of sub-rule (3) or sub-rule (5), as the case may be.

(7) In a case falling under sub-rule (5), the period of suspension shall not be treated as a period spent on duty unless the competent authority specifically directs that it shall be so treated for any specified purpose:

Provided that if the Government employee so desires such authority may order that the period of suspension shall be converted into leave of any kind due and admissible to the Government employee.

(8) The payment of allowances under sub-rule (2), sub-rule (3) or sub-rule (5) shall be subject to all other conditions under which such allowances are admissible.

(9) The amount determined under the proviso to sub-rule (3) or under sub-rule (5) shall not be less than the subsistence allowance and other allowances admissible under rule 7.2.

8. The hereinabove extracted Rule clearly vests the competent authority with the discretion to determine the status of suspension period. In the present case, the competent authority has considered the matter and

consciously held that the petitioner is not entitled to have the suspension period treated as duty period, particularly since the penalty conversion was made on sympathetic grounds.

9. In summa, this Court finds no merit in the instant writ petition, which is accordingly **dismissed**.

January 20, 2026
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(KULDEEP TIWARI)
JUDGE

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