

IN THE HIGH COURT OF PUNJAB & HARYANA AT  
CHANDIGARH

CWP No.16912 of 2012 (O&M)  
Date of Decision: 31.8.2012.

Sudesh Kumar

--Petitioner

Versus

State of Punjab & others

--Respondents

**CORAM:- HON'BLE MR.JUSTICE TEJINDER SINGH DHINDSA.**

Present:- Mr. G.P. Vashisht, Advocate for the petitioner.

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**TEJINDER SINGH DHINDSA.J**

The petitioner joined service on the post of Librarian in the year 1991. He had been placed under suspension vide order dated 22.7.2010 passed by the Director General of School Education, State of Punjab. On account of the fact that no formal charge sheet had been served upon the petitioner he had earlier approached this Court in terms of filing CWP No. 12469 of 2011 impugning the order of suspension dated 22.7.2010. During the pendency of the writ petition the petitioner was reinstated in terms of passing of order dated 23.1.2012. The writ petition was, accordingly, disposed of by this Court in terms of the following order:-

*“ 1. The petitioner is aggrieved by his suspension order.*

*2. As per reply/affidavit of the respondents, the petitioner as been reinstated in service.*

*3. If there is no enquiry pending against the petitioner, it is obvious that the last line in reinstatement order shall have no legal consequences. If the petitioner approaches the authorities for monetary benefit(s) on his reinstatement in service,the respondents are directed to consider his claim and pass appropriate orders in accordance with law/rules.*

*4. Disposed of.”*

The grievance of the petitioner in terms of filing the present writ petition is that till date no formal initiation of inquiry proceedings has taken place and the petitioner has not been released the entire subsistence allowance pertaining to the period of suspension i.e. w.e.f. 22.7.2010 to 23.1.2012.

Undoubtedly, an order of suspension is passed when certain disciplinary proceedings are contemplated. The petitioner had been placed under suspension way back on 22.7.2010. Even though, he has been reinstated on 23.1.2012 but till date no formal charge sheet has been served upon him. The petitioner is certainly vested with a right to be apprised as regards the status of the suspension period as to whether the same is to be treated as on duty, leave of kind due or any other period as deemed fit and permissible by the competent authority under the statutory provisions.

Accordingly, the present writ petition is disposed of with a direction to the respondent-authorities to take a final decision as regards the suspension period i.e. w.e.f. 22.7.2010 to 23.1.2012 in the light of the relevant statutory provisions and to pass a formal order in regard thereto within a period of three months from the date of receipt of a certified copy of this order. Needless to mention that in case the suspension period is ordered to be regularized the consequential financial benefit be also released to him without any further delay.

Petition disposed of.

**(TEJINDER SINGH DHINDSA)**  
**JUDGE**

**31.8.2012.**  
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