

(2011) 04 P&H CK 0084

In the Punjab And Haryana At Chandigarh

Case No : Civil Writ Petition No. 15555 of 1990 (O and M)

Khalil Ahmed

APPELLANT

Vs

The Registrar, Cooperative Societies and Another

RESPONDENT

Date of Decision : 01-04-2011

Acts Referred:

Citation : (2012) 1 ILR (P&H) 124

Hon'ble Judges : K. Kannan, J

Bench : Single Bench

Final Decision : Allowed

Judgement

K. Kannan, J.—The only point in this writ petition is the entitlement of an employee to claim full wages and allowances attached to a post during the period when he was kept under suspension, pending enquiry into certain charges when ultimately the employee was exonerated from the same. In this case, the Petitioner had been appointed as a Secretary in a Cooperative Society but terminated by the Board of Directors on the ground that he did not possess the requisite qualification. This termination was challenged in an intra departmental appeal, which was allowed and the Petitioner was allowed to join the duties by order dated 29.06.1987 vide Annexure P3. The order, however, directed that no arrears of pay would be paid during the period of suspension. This was again challenged by the workman through representations but the Petitioner's claim was rejected by order of the Managing Director by proceedings dated 28.09.1990 (Annexure P10) which is the subject of challenge before this Court.

2. The learned Counsel refers me to the Haryana State Central Cooperative Banks" Staff Service (Common Cadre) Rules relating to the relevant provisions as to how a suspension period was to be treated in a case of subsequent exoneration of charges. The relevant rules reads as under:

30.5 If the employee placed under suspension is subsequently exonerated of the charges, he shall be entitled to full salary and allowances for the period of

suspension and the entire period will be treated as duty. If, however, he has not been completely exonerated of the charges, the competent authority shall specify in the order of reinstatement as to how the period of suspension should be treated and also the amount of pay and allowances to be paid to him for such period.

In terms of the said rule, an employee is entitled to full salary and allowances during the period of suspension and the exception is only when he is not exonerated from the charges. In this case, the first termination order was issued on the ground that he did not fulfill the necessary qualification but this was reversed being appraised of the appropriate particulars that showed that he fulfilled the necessary qualifications. The impugned proceedings are quashed and the writ Petitioner is entitled to full wages during the period of suspension but any amount that has been paid during such suspension shall be given due credit. The entire calculation shall be made within a period of 6 weeks from the date of receipt of copy of this order and the amount shall be paid with interest at 6% from the date of the first order dated 29.06.1987 till date of payment.

3. The writ petition is allowed on the above terms.