



2. Brief facts of the case as per the civil suit are that respondent was placed under suspension vide order dated 02.12.1997. He submitted representation against the same but no action was taken. Chargesheet under Rule 7 of Haryana Civil Services (Punishment & Appeal) Rules, 1987 with show cause notice dated 07.01.1999 was served upon the respondent. He submitted reply to the same. Joint Director Schools/Director Secondary



Education, Haryana vide memo dated 30.08.1999 revoked the suspension order and respondent was posted at Government Senior Secondary School, Bhojawas whereas, no order was passed with regard to payment and allowances for the period of suspension of the respondent. Thereafter, on 30.05.2000 respondent came to know that his suspension period was ordered to be treated as leave of kind due as per order dated 05.10.1999 and punishment of censure was inflicted upon him.

3. He filed civil suit challenging order dated 02.12.1997 vide which he placed under suspension, order dated 30.08.1999 whereby, he was reinstated without deciding his pay etc. and order dated 05.10.1999, whereby, his suspension period was ordered to be treated as leave of kind due. Civil suit filed by him was decreed in his favour vide judgment and decree dated 19.02.2005 passed by learned Additional Civil Judge (Sr. Division), Narnaul. Appellants filed appeal against judgment and decree dated 19.02.2005 which was dismissed by learned Additional District Judge, Narnaul vide judgment and decree dated 23.08.2006. Hence, the present regular second appeal.

4. Learned counsel for the appellants contends that learned First Appellate Court has wrongly dismissed the appeal filed by the appellants against judgment and decree dated 19.02.2005 passed by learned Additional Civil Judge (Sr. Division), Narnaul. He, therefore, prays that the present regular second appeal be allowed.

5. Per contra, learned counsel for the respondent contends that learned First Appellate Court has rightly dismissed the appeal filed by the appellant. He, therefore, prays that the present regular second appeal be dismissed.



5. I have heard learned Counsel for the parties and perused the whole record of this case with their able assistance.

6. A perusal of the record shows that order of suspension dated 02.12.1997 was revoked vide memo dated 30.08.1999. And once order of suspension was revoked, and punishment of censure was inflicted upon the respondent, it was not a case of issuance of chargesheet under Rule 7 of Haryana Civil Services (Punishment and Appeals) Rules, 1987. And further the order of suspension was revoked by the appellants themselves then the period of suspension could not be treated as leave of kind due. A perusal of the record shows that the orders of suspension, punishment of censure and treating the period of suspension as leave of kind due are passed without application of mind.

7. In view of the above, judgment and decree dated 23.08.2006 passed by learned Additional District Judge, Narnaul against judgment and decree dated 19.02.2005 passed by learned Additional Civil Judge (Sr. Division), Narnaul is upheld.

8. Accordingly, the present regular second appeal is dismissed.

9. Pending application(s), if any, also stand disposed of.

14.05.2026

Saahil/Ayub

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

(SUDEEPTI SHARMA)
JUDGE