

## OFFICE ORDER

Consequent upon registered FIR No. 160 dated 08.09.2016 under sections 323, 34, 354(A)(1) and 452 of IPC at Women Police Station, Palwal, Sh. Jai Prakash, Clerk was placed under suspension vide this office order dated 04.06.2019 issued under Endst. No. 15372-79 dated 04.06.2019. In the said order it was also ordered that he will be paid subsistence allowance as per rules.

2. Since Sh. Jai Prakash concealed the factum of pendency of criminal case and framing of charges against him, so the Labour Department, Haryana vide order dated 08.07.2019 terminated him from services.

3. Sh. Jai Prakash challenged the above said termination order before the Hon'ble High Court by way of filing CWP No. 21165 of 2019 and the Hon'ble High Court vide its order dated 26.09.2019 was pleased to issue notice of motion for 11.11.2019 and in the meantime ordered interim stay qua termination order dated 08.7.2019 issued on 19.07.2019.

4. Thereafter in compliance of interim order dated 26.09.2019 passed by the Hon'ble High Court, Sh. Jai Prakash, Clerk was taken back in service on the same terms and conditions from the date of termination i.e. 19.07.2019 and was directed to report in the office of the Additional Labour Commissioner, NCR, Gurugram.

5. Afterwards, the Ld. JMIC, Palwal vide order dated 13.03.2023 acquitted Sh. Jai Prakash by giving benefit of doubt. It is also relevant to point out that in view of statement made by the counsel for the State Government that incase the claim qua arrears/back wages is pending, an appropriate order will be passed by the department within a period of 8 weeks, the Hon'ble High Court of Punjab and Haryana vide its order dated 30.10.2023 disposed of the CWP No. 21165 of 2019 filed by Jai Prakash.

6. Sh. Jai Prakash, Clerk has requested for grant of following benefits:-

- (i) He was paid 50% subsistence allowance from 04.06.2019 to 19.07.2019. He has claimed rest of the 50% subsistence allowance from 04.06.2019 to 19.07.2019.
- (ii) Although the interim order was passed by the High Court on 26.09.2019, but he was taken back in service on 06.11.2019. He has claimed full wages for the period from 19.07.2019 to 06.11.2019.

- (iii) Although he performed duties from 06.11.2019 to 26.05.2023 but he was only paid 75% salary. He has claimed remaining 25% wages for the period from 06.11.2019 to 26.05.2023.

8. The claim of Sh. Jai Prakash, Clerk for grant of above said benefits has been considered, because he is acquitted by the Ld. JMIC, Palwal after giving him the benefit of doubt. Sh. Jai Prakash, Clerk remained under suspension from 04.06.2019 to 26.05.2023 during this period he was paid subsistence allowance as provided under the Rules.

In view of Rule 89 and 90 of the Haryana Civil Services (General) Rules, 2016, it has been decided to treat the suspension period as duty period from 04.06.2019 to 26.05.2023. Hence, Sh. Jai Prakash, Clerk is entitled for full pay and allowances. Therefore, It is ordered that due financial benefit of the Government employee be released immediately. I order accordingly.

Dated:30.07.2024

MANI RAM SHARMA, IAS  
LABOUR COMMISSIONER, HARYANA

Endst. No. Est/04/2022/21764-72

Dated: 2.18/24

A copy is forwarded to the following for information and necessary action: -

1. Presiding Officer, Industrial Tribunal-cum- Labour Court-I, Faridabad.
2. Additional Labour Commissioner (NCR), Gurugram.
3. Accounts Officer, Head Quarter
4. Treasury Officer, Faridabad and Gurugram.
5. Sh. Jai Prakash, Clerk O/o Presiding Officer, Industrial Tribunal-cum- Labour Court-I, Faridabad.
6. Personal File of the concerned.
7. Concerned Assistant for uploading data on HRMS.

 Assistant Labour Commissioner (Estt.)  
for Labour Commissioner, Haryana.