

**HIGH COURT OF JAMMU & KASHMIR AND LADAKH
AT JAMMU**

CJ Court

Case No. LPA No. 135/2020

CM No. 7175/2020

Date of Pronouncement: 29.01.2026

Uploaded on: 02.02.2026

1. Union of India through commandant, Central Appellant(s)/Petitioner(s)
Industrial Security Force, Unit DMRC
(Delhi)
C/o 56APO.
2. Director General,
Central Industrial Security Force,
Ministry of Home Affairs,
Government of India, New Delhi.
3. Inspector General,
Central Industrial Security Force,
New Delhi.
4. Deputy Inspector General.
CISF, N.E.Z. New Delhi.
5. Deputy Inspector General,
Central Industrial Security Force,
Unit DMRC (Delhi), New Delhi.

Through: Mr. Vishal Sharma, DSGI.

vs

1. Ram Kumar Thakur,
Constable No. 942292871
S/o Sh. Nank Chand Thakur,
R/o Jakyas, Tehsil Gandoh,
District Doda.

Through: Mr. Michael Singh, Advocate.

**Coram: HON'BLE THE CHIEF JUSTICE
HON'BLE MR. JUSTICE RAJNESH OSWAL, JUDGE**

ORDER

1. The appellant- Union of India has challenged the judgment dated 19.02.2020 rendered by the learned Writ Court in SWP No. 2276/2013 titled "*Ram Kumar Thakur v. Union of India & Ors.*" only on the limited

ground that the learned Writ Court, while directing the appellants to pay all consequential benefits to the respondent in terms of judgment dated 25.02.2024 rendered in SWP No. 1953/2000, has not taken into consideration Sub-Rule 4 of Rule 54-A of the Fundamental Rules which provides that the payment of allowances under sub rules (2) and (3) shall be subject to all other conditions under which such allowances are admissible.

2. Precisely, it is contended by the appellants that when an employee is taken back in service on account of Court directions, he has to be paid allowances only if the conditions prescribed by the relevant rules and Government orders in respect of each allowance are fulfilled.

3. Heard learned counsel for the parties.

4. Rule **54-A of fundamental rules (Vol-1)** is extracted as under:-

F.R. 54-A.- (1) Where the dismissal, removal or compulsory retirement of a Government servant is set aside by a Court of Law and such Government servant is re-instated without holding any further enquiry, the period of absence from duty shall be regularised and the Government servant shall be paid pay and allowance in accordance with the provisions of sub-rule (2) or (3) subject to the directions, if any, of the court.

[(2) (i) Where the dismissal, removal or compulsory retirement of a Government servant is set aside by the Court solely on the ground of non-compliance with the requirement of the clause (2) of Article 311 of the Constitution, and where he is not exonerated on merits, the Government servant shall subject to the provision of sub-rule(7) of rule 54, be paid such [amount (not being the whole) of the pay and allowances to which he would have been entitled had he not been dismissed, removed or compulsorily retired or suspended prior to such dismissal, removal or compulsory retirement, as the case may be, as the competent authority may determine, after giving notice to the Government servant of the quantum proposed and after considering the representation, if any, submitted by him in that connection, within such period, [which in no case shall exceed sixty days from the date on which the notice has been served as may be specified in the notice:

Provided that any payment under this sub-rule to a Government servant other than a Government servant who is governed by the provisions of Payment of Wages Act, 1936 (4 of 1936) shall be restricted to a period of three years immediately preceding the date on which the judgment of the court was passed or the date of retirement on superannuation of such Government servant, as the case may be:

(ii) The period intervening between the date of dismissal, removal or compulsory retirement including the period of suspension preceding such dismissal, removal or compulsory retirement, as the case may be and the date of judgment of the court shall be regularized in accordance with the provisions contained in sub-rule (5) of Rule 54.]

(3) If the dismissal, removal, or compulsory retirement of a Government servant is set aside by the Court on the merits of the case, the period intervening between the date of dismissal, removal or compulsory retirement including the period of suspension preceding such dismissal, removal or compulsory retirement, as the case may be, and the date of re-instatement shall be treated as duty for all purposes and he shall be paid the full pay and allowances for the period to which he would have been entitled, had he not been dismissed, removed or compulsorily retired, as the case may be.

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

(5) Any payment made under this rule to a Government servant on his re-instatement shall be subject to adjustment of the amount, if any, earned by him through an employment during the period between the date of dismissal, removal or compulsory retirement and the date of re-instatement. Where the emoluments admissible under this rule are equal to or less than those earned during the employment elsewhere, nothing shall be paid to the Government servant."

5. Rule 54-A (4) specifically provides that the payment of allowances under Sub-Rule 2 and Sub-Rule 3 shall be subject to all other conditions under which such allowances are admissible.

6. Learned Writ Court has observed that Rule 54-A (2) does not apply in the instant case whereas Rule 54-A (3) clearly entitles the respondent for full pay and allowances for the period to which he would have been entitled to, had he not been dismissed from service.

7. There may be certain allowances relatable to actual duty of an employee and because of this reason only, Sub-Rule 54-A (4) provides that the payment of allowances under Sub-Rule 3 shall be subject to all other conditions under which such allowances are admissible. For instance, the respondent may not be entitled to uniform allowances for a period, he remained out of service.

8. In view of the above, this appeal is disposed of by clarifying that the respondent is entitled to all consequential benefits but in accordance with Sub-Rule 4 of Fundamental Rules 54-A.

9. The appeal is, accordingly, **disposed of**.

(RAJNESH OSWAL)
JUDGE

(ARUN PALLI)
CHIEF JUSTICE

Jammu
29.01.2026.
Neha-1

Whether the order is speaking: Yes
Whether the order is reportable: No

