

**IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH**

CWP No.4503 of 2016

Date of decision: 26.8.2016

Constable Gulab Singh

... Petitioner

Versus

State of Haryana & ors.

... Respondents

CORAM:- HON'BLE MR. JUSTICE RAJIV NARAIN RAINA

Present: None for the petitioner.

RAJIV NARAIN RAINA, J.(Oral)

On 29.7.2016, I passed the following orders:-

“Learned counsel to produce case law in a situation where the dismissal is set aside by the administration and not by the Court and the dismissal is converted to a major punishment of withholding increments with cumulative effect; then would the petitioner be entitled to claim salary for the period of absence as a matter of right. In the present case, the period of absence after dismissal and the order imposing lesser punishment is 422 days. In other words, to explain how would the law in Union of India v. K.V. Jankiraman, AIR 1991 SC 2010: (1991) 4 SCC 109, be applied to the case in hand. The other question is when dismissal is set aside and the petitioner is reinstated in service, whether the petitioner would be entitled to salary for the period of absence as per Rule 7.3-A of the Punjab Civil Services Rules, 1970.

Adjourned to 26.8.2016.

Learned counsel was asked to take steps to produce case law

in support of this case. No steps have been taken and the counsel is not even appeared in the hearing today when the case is called. I would therefore, taken that law is against the petitioner.

Dismissed.

(RAJIV NARAIN RAINA)
JUDGE

26.8.2016
monika

Whether speaking/reasoned

Yes / No

Whether Reportable:

Yes / No