

COCP No.1146 of 2016

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

COCP No.1146 of 2016

Date of Order: 01.05.2017

Rattan Singh

....Petitioner

Versus

Jagpal Singh Sandhu and Anr.

....Respondents

CORAM: HON'BLE MR. JUSTICE JASWANT SINGH

Present: Mr. Ashish Bakshi, Advocate for
Mr. Ravi Malhotra, Advocate for the petitioner.

Mr. Anant Kataria, DAG, Punjab.

JASWANT SINGH, J (ORAL)

The petitioner was employed as volunteer of Home Guard with the Department of Punjab Home Guards and Civil Defence, Chandigarh. He is averred to have applied for leave from 05.6.1996 to 10.7.1996 due to illness of his wife. He further sought extension upto 25.7.1996, and thereafter not allowed to join duty. Meanwhile, defendants-respondents passed order dated 06.7.1998 terminating his services. By filing this contempt petition, the petitioner has alleged non-compliance of order dated 12.2.2016 (P.1) passed by this Court in RSA No.4919 of 2010 observing as under:

“Admittedly, plaintiff was not given any opportunity of hearing or notice before terminating his services. In similar circumstances, the Apex Court in the above referred case observed that services of Home Guard Volunteers could not be terminated without complying with procedure prescribed in the statutory rules. 9. In view of settled proposition of law, the substantial question of law framed in this appeal is answered in

favour of appellant. Consequently, this appeal is accepted. Termination of service of plaintiff is held as illegal, against law and service rules governing the appellant and he is ordered to be reinstated in service. In the case of Davinder Singh (supra), the Apex Court ordered reinstatement of appellants without back wages. However, keeping in view the fact that the judgment was passed by the Apex Court on 10.09.2010 and even thereafter a period of more than 5 years has elapsed, it is ordered that the appellant will be allowed financial emoluments (not allowances) attached with this post for a period of previous three years from the date of this judgment.”

At the time of hearing today, learned State counsel points out that in compliance of the order, the petitioner has been reinstated on duty w.e.f 12.2.2013 till his date of superannuation of 58 years on 19.12.2014 and the due amount of subsistence allowance has since been paid as detailed in speaking order dated 01.11.2016 (R.1) thereby rendering the present petition as infructuous.

Dismissed as having become infructuous. Rule is discharged. However, liberty is granted to the petitioner to seek revival of the petition, if need be.

May 01, 2017
manoj

(JASWANT SINGH)
JUDGE

Whether speaking/reasoned: Yes/No

Whether Reportable : Yes/No