

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

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**CWP-15859-2015 (O&M)
Date of decision: 16.01.2017**

Ravinder

....Petitioner

Versus

State of Haryana and others

.... Respondents

CORAM: Hon'ble Mr. Justice P.B. Bajanthri

Present: Mr. Joginder S.Duhan, Advocate for the petitioner.

Mr. Rajesh Gaur, Addl. A.G., Haryana.

P.B. Bajanthri, J. (Oral)

In the instant writ petition, the petitioner has sought for modification of the order dated 24.12.2014 to the extent of denial of continuous service and back wages and other service benefits. The petitioner was discharged from service under PPR 12.21 on 18.10.2011 vide Annexure P1. Feeling aggrieved by the order of discharge, he preferred a writ petition before this court and this court allowed the CWP No. 16074 of 2013 on 12.09.2014 while setting aside the order of discharge dated 18.10.2011. Pursuant to the order of this court passed in CWP No. 16074 of 2013, 4th respondent-The Commandant has passed an order reinstating the petitioner into service insofar as service benefits during the intervening period from 18.10.2011 till 24.12.2014 has been denied. Thus, the present petition has been filed.

2. Learned counsel for the petitioner vehemently contended that for no fault of the petitioner, he has been discharged from service and he has pointed out with reference to communication between the Deputy Superintendent of Police and the Commandant dated 23.12.2014 in which it has been recorded that no report of misconduct has been recorded against the petitioner during the period from 17.09.2011 to 30.09.2011. It was also recorded that prime witness HC Balbir Singh has recorded his statement contrary to his earlier report etc. In other words, there is no material for discharging the petitioner from service. Hence, the petitioner is entitled to all consequential benefits including monetary benefits during the intervening period from 18.10.2011 to 24.12.2014.

3. On the other hand, learned counsel for the respondents submitted that petitioner has not worked during the intervening period from 18.10.2011 to 24.12.2014. Therefore, question of granting consequential benefits including monetary benefits during the intervening period from 18.10.2011 to 24.12.2014 do not arise.

4. Heard learned counsel for the parties.

5. Admittedly, the petitioner was discharged from service on 18.10.2011 and the same has been set aside by this court in CWP No. 16074 of 2013 decided on 12.09.2014. Fact of setting aside of an order would restore the position as if nothing has been ordered. Therefore, the petitioner is entitled for all service benefits including monetary benefits. Thus, 4th respondent-Commandant has erred in not extending the service benefits including monetary benefits. To that extent, Annexure P4 is set aside. 4th

respondent-Commandant is directed to extend the service benefits during the period from 18.10.2011 to 24.12.2014 and further monetary benefits shall be paid to the petitioner within a period of 4 months from today.

6. Accordingly, petition stands allowed.

16.01.2017

pooja saini

**(P.B.BAJANTHRI)
JUDGE**

Whether speaking/reasons

Yes/No

Whether Reportable:

Yes/No