

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

CWP No.19363 of 2013 (O&M)

Date of Decision : 09th February, 2017

Raghunandan Singh

..... Petitioner

Versus

State of Haryana and another

..... Respondents

CORAM : HON'BLE MR. JUSTICE AJAY TEWARI

Present : Mr. Pawan Kumar Mutneja, Advocate for the petitioner.

Ms. Shruti Jain, Goyal, AAG, Haryana
for the respondent(s)-State.

AJAY TEWARI, J. (Oral)

In this petition, the petitioner has challenged the action of respondent in removing him from service as a Pan Man.

The petitioner was a regular employee in a Sugar Mill in Meerut. Having been selected as a Pan Man with respondent No.2, he resigned from the post over there and joined and after a period of one year and three months his service were terminated on the ground that he had not disclosed that the time of applying there were two cases pending against him.

The precise grievance of the petitioner is that there was no occasion for him to disclose this since there was no such query either in the application form or in the interview. The only issue which was raised in the application form was whether the petitioner had ever been convicted (in the character verification) and since he had not been convicted, he had replied the same in the negative. The only issue raised was regarding conviction and not regarding pendency of any case.

On the last date of hearing i.e. 12.01.2017, the matter had been

CWP No.19363 of 2013 (O&M)

-2-

adjourned for today with the following order:-

“Learned counsel for respondent No.2 seeks a short adjournment to ascertain if any time the petitioner had specifically averred that no case was pending against him.

Adjourned to 01.02.2017.”

Today, learned counsel for respondent no.2 has fairly accepted that there was no column with regard to pending cases.

In these circumstances, the impugned order is set aside and the respondents are directed to reinstate the petitioner forthwith with continuity of service.

Learned counsel has argued that the petitioner is entitled to all consequential benefits. Learned counsel for the respondent, however, states that the petitioner may be entitled to notional benefits but cannot be given any payment because on the principles of 'no work no pay'.

In view of the circumstances of the case and to balance the equities, I deem it appropriate to grant the petitioner 50% of the wages and allowances. Let the respondent compute the same and pay them to the petitioner within a period of three months from today failing which he would be entitled to claim the same with interest @ 12% from the date/s the amount/s fell due.

The instant petition stands allowed in the above terms.

09th February, 2017

mamta

**(AJAY TEWARI)
JUDGE**

Whether speaking/reasoned
Whether Reportable :

Yes/No
Yes/No