

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

**C.O.C.P. No.2563 of 2016
Date of Decision: 16.02.2018**

Darshan Singh

..... Petitioner

Versus

Suresh Arora, IPS, Director General of Police, Punjab

..... Respondent

CORAM: HON'BLE MR. JUSTICE JASWANT SINGH

Present: Mr. Rajesh Bansal, Advocate for the petitioner.

Mr. Manoj Bajaj, Additional Advocate General, Punjab
for the respondent.

JASWANT SINGH, J. (Oral)

The petitioner had filed CWP No.12976 of 2010, challenging the order dated 01.12.2004, whereby he was terminated from the designation of SPO after issuing Show Cause Notice dated 02.07.2004. The said writ petition was allowed by learned Single Judge of this Court, vide order dated 17.05.2016 (**Annexure P-1**) and the orders dated 01.12.2004 and 13.5.2010 were quashed. The petitioner was ordered to be taken back in service as SPO on the same terms and conditions on which he was serving earlier. However, it was made clear that the petitioner will not be entitled for any financial benefit for the period he remained out of service on the principle of no work, no pay and was only entitled for the notional benefits while replying upon the judgment of the Apex Court in '**Union of India and others Vs. Jaipal Singh**', 2004 (1) SCC 121, wherein it has been held that backwages can be denied where the employee has been kept out from service on account of his own conduct, since the services could not be availed of by the employee.

Upon notice, reply on behalf of the respondent has been filed, wherein it is submitted that the respondent-State has filed LPA No.2079 of 2016 against the aforesaid order dated 17.05.2016 (P-1), wherein the said order has been stayed by the LPA Bench.

At the time of hearing, learned Counsel for the petitioner prays for permission to withdraw the present contempt petition.

In view of above, the present contempt petition is dismissed as withdrawn.

February 16, 2018
Gagan

(JASWANT SINGH)
JUDGE

Whether speaking/reasoned	Yes/No
Whether Reportable	Yes/No