

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CWP-1122-2016

Date of Decision:-11.02.2020.

Surjit Singh

.....Petitioner

Versus

Chief Regional Manager, National Insurance Co. Ltd., Ludhiana and
another

.....Respondents

CORAM: HON'BLE MR. JUSTICE SANJAY KUMAR

Present: Mr. Animesh Sharma, Advocate for the petitioner.

Mr. D.R. Bansal, Advocate for the respondents.

SANJAY KUMAR, J. (Oral)

The petitioner, a Development Officer in the service of National Insurance Company Limited, was removed from service *vide* order dated 25.08.2011 (Annexure P-5) passed by the Regional Manager and competent authority of the company at Chandigarh. This levy of penalty was modified in appeal by the Deputy General Manager and Appellate Authority, *vide* order dated 22.01.2013 [Annexure P-1 (colly)], and the petitioner was directed to be re-employed in service by placing him at the initial basic pay in the cadre of Development Officer Grade-I. The Appellate Authority further directed that the period between his removal from service and his re-employment should be treated as 'not spent on duty and also a break in service' and that no benefits whatsoever would be allowable for this period.

The petitioner accepted re-employment pursuant to the

aforestated order and joined the service of the company on 28.01.2013.

Having done so, the petitioner filed this writ petition on 18.01.2016 assailing the appellate order to the extent it directed that the period between his removal from service and his re-employment should be treated as *dies non* and that no benefits for this period should be allowed to him.

The aforestated facts manifest that the petitioner unconditionally accepted the re-employment offered to him pursuant to the appellate order and joined service as long back as in January, 2013. Three years later, he filed this writ petition seeking to assail the very same order, to the extent that it disallowed certain benefits to him.

In the light of the law laid down by the Supreme Court in this regard in *State of Punjab Vs. Krishan Niwas, 1997 (9) SCC 31* and *Sanat Kumar Dwivedi Vs. Dhar Jila Sahakari Bhoomi Vikas Bank Maryadit and others, 2002 SCC (L&S) 94*, it would not be open to the petitioner to turn around and challenge the very same order under which he accepted the benefit of re-employment. The petitioner, by his own conduct, is deemed to have accepted the correctness of the said order in its entirety and he cannot, therefore, be permitted to assail a part of the said order. All the more so, after the lapse of three years.

The writ petition is therefore not maintainable on this ground and is accordingly dismissed.

No order as to costs.

(SANJAY KUMAR)
JUDGE

February 11, 2020.

sandeep

Whether speaking/reasoned:-

Yes / No

Whether Reportable:-

Yes / No.