

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

211

CWP-12421-2017

Date of Decision : 11.12.2023

ANUP SINGH @ ANOOP SINGH

..... PETITIONER

V/S

STATE OF PUNJAB AND OTHERS

..... RESPONDENTS

CORAM: HON'BLE MR. JUSTICE JAGMOHAN BANSAL

Present : Mr.Nikhil Lather, Advocate for
Mr. Anurag Goyal, Advocate
for the petitioner.

Mr. Aman Dhir, DAG, Punjab.

JAGMOHAN BANSAL, J. (Oral)

1. On 05.12.2022, the following order was passed :

“Counsel appearing for the petitioner would submit that the petitioner is claiming salary for the period he has been denied to work. He stood acquitted in appeal preferred before this Court and therefore, ought to have been reinstated immediately, since there were no departmental proceedings held. There was a delay in reinstating the petitioner, therefore, he would be entitled to salary for the said period. Reliance has been placed on judgment rendered in Sardara Singh Vs. State of Punjab and others 2012 (4) SCT 553.

Counsel appearing for the respondent-State has not been able to explain as to why there was

delay in reinstating the petitioner.

Let records pertaining to considerations taken by the respondents with regard to aforesaid denial be placed on record.

Adjourned to 06.01.2023.”

2. The petitioner was entitled to reinstatement from 16.07.2010, however, he was reinstated on 19.03.2013. The petitioner is claiming salary from 16.07.2010 to 19.03.2013.
3. Concededly, the petitioner filed representation for his reinstatement on 01.01.2011. It is undisputed fact that the petitioner did not work from 16.07.2010 to 19.03.2013.
4. Learned counsel for the petitioner relying upon the judgment of Hon'ble Supreme Court in Allahabad Band and ors. Vs Avtar Bhushan Bhartiya, 2022 LiveLaw (SC) 405 submits that grievance of the petitioner, would be redressed, if the respondent releases 50% of his salary from 01.01.2011 to 18.03.2013.
5. Faced with this, learned State counsel submits that the case of the petitioner would be considered in the light of judgment of Hon'ble Supreme Court in Avtar Bhushan Bhartiya's case (supra). Needful would be done within three months from today.
6. In the wake of statement of both sides, the present petition stands disposed of.

(JAGMOHAN BANSAL)
JUDGE

11.12.2023
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Whether speaking/reasoned	Yes/No
Whether Reportable	Yes/No