

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

Date of decision : 29.05.2023

CWP-8035-2018 (O&M)

Bhagwant Singh

....Petitioner

Versus

State of Punjab and others

...Respondents

CWP-1139-2018

Bhagwant Singh

....Petitioner

Versus

State of Punjab and others

...Respondents

CORAM: HON'BLE MR. JUSTICE PANKAJ JAIN

Present : Ms. Ritam Aggarwal, Advocate for the petitioner.

Mr. Inderpreet S. Kang, Asstt. Advocate General, Punjab

PANKAJ JAIN, J. (ORAL)

These are the two writ petitions under Article 226/227 of the Constitution of India filed at the best of petitioner. The petitioner (in CWP-8035-2018) prays for issuance of a writ in the nature of certiorari for setting aside the order dated 21st of December, 2017 (Annexure P-6) whereby appointment of the petitioner as Constable has been cancelled. In (in CWP-1139-2018) prayer is for issuance of a writ in the form of directions to the respondents to release/pay the salary to the petitioner on the principle of equal pay for equal work.

Mr. Kang at the outset submits that the ratio of law laid down by Division Bench of this Court in **LPA No.468 of 2021** titled as **Mamta**

vs. State of Punjab and others will be applicable to the case of the petitioner.

Meaning thereby that the appointment of the petitioner shall relate back to the date persons junior to him were appointed i.e. 8th of December, 2016. The petitioner shall also be entitled for all notional benefits from the said date. However for the time period he remained out of service, salary will not be payable under the principle of 'No Work No Pay'. The respondents shall re-fix the pay of the petitioner accordingly and shall also pay arrears, if any, within a period of eight weeks from the date of receipt of certified copy of this order.

The aforesaid proposal has been accepted by counsel for the petitioner.

Writ petitions are disposed off accordingly.

Pending application(s), if any, shall also stand disposed off.

A copy of this order be kept on the file of other connected case.

May 29, 2023
Dpr

(PANKAJ JAIN)
JUDGE

Whether speaking/reasoned : Yes/No
Whether reportable : Yes/No