



IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

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CWP-180-2023 (O&M)
Date of decision: 14.10.2024

Rajpal

...Petitioner

Versus

State of Haryana and others

...Respondents

CORAM: HON'BLE MR. JUSTICE AMAN CHAUDHARY

Present: Mr. R.S. Malik, Advocate for the petitioner.

Mr. Dushyant Saharan, AAG, Haryana.

AMAN CHAUDHARY, J.

1. The petitioner seeks redressal of the grievance that recovery of Rs.5,23,687/- has been ordered against him, which stands stayed by this Court vide interim order dated 09.01.2023.
2. The petitioner was appointed to the post of Driver on 06.08.2003, however on an allegation of his driving license having been found to be bogus, his services were terminated on 09.08.2005, appeal against which was also dismissed on 07.03.2006. The Division Bench in the previous *lis* challenging the aforesaid, while observing failure on the behalf of the State Counsel in showing that the verification report, Annexure P-3, was not correct and having seen his valid driving license in original, as renewed up to 2010, directed his reinstatement with continuity in service, as also other consequential benefits. However, observations were made that, in the wake of the undertaking given by the learned counsel for the petitioner, no financial benefits would be claimed by him.
3. Consequent to the above and in compliance thereto, the petitioner was allowed annual increment and ACP for the period he remained out of service, which, the respondents vide order dated 20.12.2022, Annexure P-13 withdrew, on the ground that they had been inadvertently granted despite the undertaking as



noticed in the judgment.

4. This Court having treated the service of the petitioner in continuity with consequential benefits, would by itself imply that the said period would be considered for all intent and purposes, however, since he did not work during the said period, he was not to be entitled to arrears of salary, as had been also denied in the judgment in Baljeet Singh vs. State of Haryana¹, involving a similar issue, whereupon reliance had been placed while disposing of the matter. Therefore, it is in that stead, the statement of the counsel was recorded.

5. Hon’ble the Supreme Court in **Anil Ratan Sarkar vs. State of West Bengal**², had observed that administrative *ipse dixit* cannot infiltrate on to an arena which stands covered by judicial orders. Ergo it did not lay in the domain of the respondents to have ventured into interpreting the direction, whereby the petitioner was held entitled to consequential benefits arising from his reinstatement, that would necessarily include consideration of the said period he was kept out, the reason whereof had been found to be illegal, for purpose of seniority, promotion, increment, ACP, etc.

6. As a corollary thereto, the present petition is allowed. The orders dated 07.06.2022 and 20.12.2022 are liable to be and accordingly set aside. The respondents are directed to restore the earlier salary of the petitioner, based on which, his retiral benefits be calculated and released within a period of three months.

(AMAN CHAUDHARY)
JUDGE

14.10.2024

M.Kamra

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

¹ CWP-1181-1998, decided on 21.04.1998.

² (2001) 5 SCC 327.