



CWP-3377-2024

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

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Date of decision: 12.09.2024

Sher Singh

....Petitioner

Versus

State of Haryana and Others

...Respondents

**CORAM: HON'BLE MR. JUSTICE AMAN CHAUDHARY**

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Present : Mr. Suresh Kumar Jindal, Advocate for the petitioner.

Ms. Vibha Tewari, AAG, Haryana.

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**AMAN CHAUDHARY, J. (ORAL)**

1. Challenge laid in the present petition is to the order dated 30.04.1999, whereby the petitioner was given fresh appointment, despite the fact that while allowing his appeal vide order dated 07.04.1999 against the termination of his services on 02.02.1998, it was directed to reinstate him in his original pay scale, however for the period of suspension, he would not be given any amount, except the allowance thereof.

2. The petitioner had made the disciplinary proceedings initiated against him subject matter of CWP-1866-2000, that was admitted on 14.02.2003 and came to be disposed of by this Court on 12.01.2024 with a liberty to challenge the fresh appointment order, the relevant para whereof reads thus:

“After arguing for some time, learned counsel for the petitioner submits that in pursuance to the impugned order dated 07.04.1999 (Annexure P-9), another order was passed giving fresh appointment to the petitioner, which is contrary to the order dated 07.04.1999 (Annexure P-9) which order could not be challenged inadvertently hence, the petitioner be given



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liberty to challenge the said order by filing appropriate fresh petition and the present petition may kindly be disposed of having been not pressed any further.”

3. Though as per the order passed by the appellate authority, the reinstatement of the petitioner was to relate back to the initial appointment, having been directed to be placed in the original pay scale, his entitlement to consequential benefits clearly stemmed therefrom yet, it being opposed by the learned State counsel on the premise that only the word ‘reinstatement’ was mentioned therein, is untenable, in view of **Nandkishore Shravan Ahirrao vs. Kosan Industries (P) Ltd.**<sup>1</sup>, wherein Hon’ble Supreme Court held that continuity of service would follow as a matter of law when reinstatement is awarded, unless specifically denied.

4. As a fallout of the above, the present petition deserves to be and is allowed, with directions to the respondents to treat the services of the petitioner to be in continuity and accordingly grant him consequential benefits arising therefrom, to which extent the order dated 30.04.1999 is set aside.

(AMAN CHAUDHARY)  
JUDGE

12.09.2024

Hemant

Whether speaking/reasoned : Yes / No

Whether reportable : Yes / No

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<sup>1</sup> 2020 (1) S.C.T. 709