

2024:PHHC:040027

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

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CWP-3730-2024
Date of decision: 20.03.2024

NARINDER SINGH

....PETITIONER

Vs.

STATE OF PUNJAB AND ORS

...RESPONDENTS

CORAM: HON'BLE MR. JUSTICE JAGMOHAN BANSAL

Present: Mr. Raj Karan Singh Verka, Advocate
for the petitioner.

Mr. Aman Dhir, DAG, Punjab.

JAGMOHAN BANSAL, J (ORAL)

1.

The petitioner through instant petition under Articles 226/227 of the Constitution of India is seeking setting aside of order dated 12.11.2022 (Annexure P-2) whereby his claim for back wages and other service benefits has been denied.
2.

The petitioner, owing to a criminal case, was dismissed from service and thereafter vide order dated 12.11.2022 (Annexure P-2) was reinstated in compliance of judgment/decreed dated 15.05.2017 passed by Civil Judge (Junior Division), Amritsar. The petitioner claimed back wages. His claim came up for consideration before Additional District Judge, Amritsar who vide order dated 30.11.2017 held that petitioner during the period in question has not performed duty. Thus, he is not entitled to back wages and other service benefits as a matter of right. The respondent vide order dated 12.11.2022 (Annexure P-2) reinstated the petitioner, however, observed that he is not entitled to back wages and other service benefits for the period between his discharge and rejoining of duty.

3. Mr. Raj Karan Singh Verka, Advocate submits that respondent is duty bound to pay salary w.e.f. 12.11.2022 as he has been reinstated. He further confirms that petitioner has joined duty but is not getting salary.
4. Mr. Aman Dhir, DAG, Punjab expressed his inability to controvert the fact that petitioner after rejoining duty cannot be denied salary. He may not be entitled to back wages but from the date of joining, he is entitled to salary.
5. The petition is hereby disposed of with a direction to respondents to release salary of the petitioner within six weeks' from today from the date of joining till date.
6. It is hereby made clear that petitioner would not be entitled for the salary for the period he has not worked after 12.11.2022.

20.03.2024
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[JAGMOHAN BANSAL]
JUDGE

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