

2024:PHHC:140476



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

222

CWP-9699-2021

Date of Decision : 25.10.2024

NISHAN SINGH (DECEASED) THROUGH LRS

.... PETITIONER

V/S

STATE OF PUNJAB AND OTHERS

.... RESPONDENTS

CORAM : HON'BLE MR. JUSTICE JAGMOHAN BANSAL

Present :- Mr.Naresh Jain, Advocate
for the petitioner.

Mr. G.S.Bhullar, AAG, 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 13.02.2019 (Annexure P-2) to the extent he while reinstatement has been denied back wages on the principle of “No Work, No Pay”.

2. Mr. Naresh Jain, Advocate submits that the petitioner was dismissed from service without conducting enquiry. There was allegation that he is involved in smuggling of opium. No FIR was registered against him. He came to be reinstated by impugned order, however, without back wages. The respondent has applied principle of “No Work, No Pay” whereas case of the petitioner is governed by Punjab Police Rules, 1934

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read with Punjab Civil Services Rules as well as Fundamental Rules. He submits that case of the petitioner is squarely covered by judgment of this Court passed in a bunch of petitions including CWP No.7776 of 2024 titled as “Iqbal Singh vs. State of Punjab and others”.

3. Faced with this, Mr. Bhullar submits that the competent authority would re-consider case of the petitioner in the light of judgment of this Court passed in a bunch of petitions including CWP No.7776 of 2024.

4. In the wake of statement of both sides, the petition stands disposed of with a direction to the respondents to reconsider claim of the petitioner qua back wages. Let the needful be done within three months from today.

(JAGMOHAN BANSAL)
JUDGE

25.10.2024

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Whether speaking/reasoned : Yes/No
Whether Reportable : Yes/No