



CWP-10262-2010 (O&M)

-1-

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

942

CWP-10262-2010 (O&M)

Date of Decision: 03.10.2024

Rajinder Singh

...Petitioner

Versus

State of Haryana and others

...Respondents

CORAM: HON'BLE MR. JUSTICE AMAN CHAUDHARY

Present: None for the petitioner.

Mr. Tapan Kumar, DAG, Haryana

AMAN CHAUDHARY, J. (Oral)

1. The petitioner is aggrieved by the orders dated 12.02.2009, Annexure P-2, to the extent that leave was sanctioned for the period he remained out of service and the consequential one dated 13.03.2009, Annexure P-5, vide which, the same was treated as of kind due.

2. The order of termination of service of the petitioner having been taken up, the appellate authority, set the same aside vide order dated 12.02.2009, relevant of which is apposite to be referred to and reads thus:

“After consideration of facts and documents and inquiry report produced by the appellant, I reached this conclusion that false case was made intentionally to harass him. In the even I was fully satisfied with the facts produced by the appellant and order dated 27.09.2007 passed by General Manager is set aside and appellant be taken back on work and leave is sanctioned for the period he remained out during service.”

3. With regard to the issue involved, a beneficial reference can be made to the judgment passed by this Court in **Lehna Singh vs. The State of Haryana¹**, which was not challenged further, elucidating that once the



termination order is set aside in appeal, it will be deemed to have not been passed, further ordering grant of full back wages to the petitioner therein, for the period spent out of service.

4. In the case at hand, the appellate authority, as a matter of fact, having found the implication of the petitioner to be due to malice, it was thus unjust, unreasonable and arbitrary to treat the period he, for no fault of his, was kept out on account thereof, as leave instead of on duty, as fortified by Hon’ble the Supreme Court in **Union of India vs. K.V. Jankiraman²**.

5. On the anvil of the aforesaid, the present writ petition is disposed of with a direction that the period in question be treated as on duty and consequential benefits be released accordingly.

(AMAN CHAUDHARY)
JUDGE

October 03, 2024
dinesh

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