



IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

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CWP-14298-2024

Date of decision: 02.09.2024

HARDIP SINGH

...PETITIONER

Vs.

STATE OF PUNJAB AND OTHERS

...RESPONDENTS

CORAM: HON'BLE MR. JUSTICE JAGMOHAN BANSAL

Present: Mr. Balwant Singh, Advocate and
Mr. Jarnail Singh, 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 direction to respondents to release salary and other consequential benefits including retiral benefits in terms of order dated 21.03.2023 (Annexure P-4) passed by this Court.
2. By order dated 21.03.2023, this Court held that though order of termination of service is bad, but department is given an opportunity to restart the disciplinary proceedings from the stage of serving of inquiry report and seek reply and pass an appropriate order. The relevant extracts of order dated 21.03.2023 are reproduced as below:-

“Keeping in view the facts and circumstances of the present case, though the impugned order of termination of service of the respondent-plaintiff dated 30.09.1998 is held to be bad but the appellant-Department is given an opportunity to re-start the disciplinary proceedings from the stage of serving of the enquiry report upon the respondent-plaintiff and seek his reply and thereafter,



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keeping in view the objection taken by the respondent-plaintiff, appropriate order, be passed. In case, as per the fresh order, any punishment lesser than the one already imposed vide order dated 30.09.1998, is imposed, while passing the fresh order, the intervening period for which the respondent-plaintiff remained out of service, be also decided in accordance with law and the rules governing the service. Benefit if any admissible upon setting aside the order of dismissal, will depend upon the fresh order to be passed and no benefit ipso facto will be admissible to the respondent-plaintiff.”

3. The petitioner in terms of aforesaid order was supposed to join duty as well as inquiry proceedings, if any, initiated by respondents. The petitioner is claiming salary in terms of order dated 21.03.2023.

4. Notice of motion.

5. Mr. Aman Dhir, DAG, Punjab, who on advance notice is present in Court, accepts notice on behalf of respondent-State and waives service. He pointed out Annexures P-15 and 16 to prove that petitioner neither after passing of aforesaid order joined duty nor other proceedings.

6. Faced with this, Mr. Balwant Singh, Advocate submits that petitioner would appear before Competent Authority and co-operate in the proceedings, if any, initiated by respondents.

7. In the wake of statement of both sides, the petitioner at the first instance is directed to appear before Commandant 80th Battalion, P.A.P. Jalandhar on 09.09.2024 and thereafter as directed by him. The Commandant shall complete proceedings, if any, within 6 months from today.

02.09.2024
manoj

[JAGMOHAN BANSAL]
JUDGE

Whether speaking/reasoned
Whether reportable

Yes/No
Yes/No