

IN THE HIGH COURT OF PUNJAB AND HARYANA  
AT CHANDIGARH

224

RSA-4220-2018 (O&M)  
Date of Decision :02.05.2024

Sahab Singh

...Appellant

Versus

State of Haryana and others

....Respondents

CORAM: HON'BLE MR. JUSTICE HARSIMRAN SINGH SETHI

Present: Mr. Ashok Tyagi, Advocate for the appellant.

Mr. Harish Rathee, Senior DAG, Haryana.

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**Harsimran Singh Sethi, J. (Oral)**

1. Present regular second appeal has been filed challenging the judgment and decree of the Courts below by which, prayer of the appellant-plaintiff for the grant of benefit of 50% back wages upon reinstatement in service has been declined by the Courts below.
2. Learned counsel for the appellant submits that total 56 employees, who had participated in the police agitation were dismissed from service by the department, who were ultimately reinstated in service with 50% back wages, which benefit of 50% back wages was not granted to the appellant-plaintiff.
3. A claim was raised by the appellant-plaintiff before the trial Court by way of filing a civil suit. Learned counsel for the appellant submits that the civil suits filed by the similarly situated employees were allowed in

favour of those employees holding that they are entitled for the grant of benefit of 50% back wages, which judgment was upheld by the lower Appellate Court and the regular second appeal filed by the State challenging the grant of said benefit of 50% back wages have already been allowed by this Court while passing order in **RSA-3424-2018 titled as, State of Haryana and others vs. Malkhan, decided on 02.05.2024,** along with other connected cases in favour of the similarly situated employees.

4. Learned counsel for the respondent-State submits that as per affidavit dated 28.08.2023, which has been filed by the respondent-State in RSA-3424-2018 and other connected cases, it is a conceded position that out of the total 56 employees, who were dismissed from service for participating in police agitation, who were ultimately reinstated in service, 36 employees have already been granted benefit of 50% back wages.

5. I have heard learned counsel for the parties and have gone through the record with their able assistance.

6. Once, a similar relief as being claimed by the appellant has been allowed in favour of the similarly situated employees by the competent Court of law, denying the said benefit to the appellant is incorrect as all the employees, who are similarly situated are to be treated in a same manner so as to avoid discrimination.

7. Keeping in view the fact that the civil suits filed by the similarly situated employees had already been allowed by the Courts below and even the regular second appeals filed by the State being RSA-3424-2018 and other connected appeals have also been dismissed by this Court on today i.e. 02.05.2024 coupled with the fact that in another regular second

appeal being **RSA-4608-2015 titled as, Parveen Kumar and others vs. State of Haryana, decided on 27.04.2017**, entitlement to claim 50% back wages have already been upheld upto the Hon’ble Supreme Court of India, the judgment and decree of the Courts below are perverse as two conflicting judgments cannot be given by the two Courts qua the similarly situated employees qua the same relief hence, the judgment and decree of the Courts below being perverse to the settled principle of law are hereby set aside and the suit filed by the appellant-plaintiff qua the grant of 50% back wages upon reinstatement is allowed. Let the judgment and decree be prepared accordingly.

8. Civil miscellaneous application pending, if any is also disposed of.

**May 02, 2024**  
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**(HARSIMRAN SINGH SETHI)**  
**JUDGE**

*Whether speaking/reasoned : Yes/No*  
*Whether reportable : Yes/No*