



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

213

CWP-4077-2019

Date of Decision: 17.11.2025

DARSHAN KUMAR

...Petitioner

Vs.

STATE OF HARYANA AND ORS.

...Respondents

CORAM:- HON'BLE MR. JUSTICE JAGMOHAN BANSAL

Present:- Mr. Samrat Malik, Advocate
for the petitioner

Mr. Rajiv Malhotra, DAG Haryana

JAGMOHAN BANSAL, J. (ORAL)

1. On 15.02.2019, the following order was passed by this

Court:-

“Counsel for the petitioner states that pursuant to the order passed by this Court on 18.10.2016 (Annexure P-1), the punishing authority reduced the punishment from dismissal of service to stoppage of three annual increments with permanent effect vide order dated 1.12.2016 (Annexure P-2) passed by the Superintendent of Police, Fatehabad. Thereafter, this punishment was also reduced to that of stoppage of two future annual increments with permanent effect vide order dated 9/10.3.2017 (Annexure P-3) passed by the Inspector General of Plice, Hisar Range, Hisar and later on vide order dated 24.12.2018 (Annexure P-5) passed by the Director General of Police even the punishment of stoppage of two future annual increments with permanent effect was reduced to that of censure.

*The grievance of the Petitioner is that he has not been paid the arrears of salary. In support of his contention, he has referred to a Full Bench judgment passed by this Court in the case of **Ram Niwas Bansal vs. State Bank of Patiala 2002(2) SLR 375.***

Notice of motion for 13.5.2019.”

2. Learned counsel for the petitioner submits that petitioner was finally awarded punishment of censure, thus, he was entitled to salary for the period he remained out of service.

3. The petitioner remained out of service for four years i.e. 2012 to 2016 on account of his conviction by trial Court which was upheld by this Court. He was sentenced to imprisonment of one year by trial Court. This Court upheld his conviction, however, ordered to release him on probation of one year. In view of order of probation, this Court vide order dated 18.10.2016 in *CWP-9847-2015* directed respondent to reconsider quantum of punishment. The respondent converted punishment of dismissal from service into forfeiture of three increments. The Appellate Authority reduced aforesaid punishment and Revisionary Authority finally converted it into punishment of censure. The petitioner is claiming salary for the period he remained out of service.

4. The petitioner was convicted and finally released on probation. In view of para No.153 of judgment of Hon'ble Supreme Court in '*Union of India Vs. Tulsi Ram Patel*' (1985) 3 SCC 398, despite release on probation, the petitioner may not be retained in service. However, authorities taking liberal approach reinstated him and only denied salary on the principle of '*no work no pay*'. There seems no

infirmity in the order of authorities because department has already taken lenient view.

5. In the wake of above discussion and findings, this Court is of the considered opinion that the instant petition deserves to be dismissed and accordingly dismissed.

6. Pending application(s), if any, stands disposed of.

(JAGMOHAN BANSAL)
JUDGE

November 17, 2025
Deepak DPA

Whether Speaking/reasoned	Yes/No
Whether Reportable	Yes/No