



IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

232

CWP-9816-2023 (O&M)

Date of decision: 08.07.2025

Khubi Ram (since deceased) T. his LRs

...Petitioner

VERSUS

State of Haryana and others

...Respondents

CORAM : HON'BLE MR. JUSTICE VINOD S. BHARDWAJ

Present :- Mr. Sandeep Thakan, Advocate for the petitioner(s).

Ms. Dimple Jain, DAG Haryana.

VINOD S. BHARDWAJ, J. (Oral)

1. Challenge in the present petition is to the order dated 03.03.2010 and order dated 16.03.2023 passed by the respondents with a further prayer for directing the respondents to release the pensionary benefits for the period during which he worked with the respondent-department.

2. Learned counsel appearing on behalf of the petitioner contends that the petitioner was appointed as a T/Mate on 01.01.1977 with the respondent-department. It is contended that the petitioner absented himself from duty w.e.f. 14.11.2004 purportedly on account of a mental instability. It is submitted that the respondent-department terminated the services of Khubi Ram (since deceased) on 03.03.2010 without taking into consideration that he had served the respondent-department for a period of 27 years, 10 months and 13 days prior to his absence and the benefit of past



service rendered by him ought to have been extended. A prayer is thus made that the order of termination, notwithstanding a substantive period of service, is disproportionately harsh and that the benefit of unblemished service rendered by deceased-Khubi Ram with the respondent-department ought to have been extended. A writ petition was earlier preferred by the petitioner which was disposed of by this Court with a direction to the respondents to decide the representation by the petitioner for grant of pensionary benefits. The said representation was eventually decided vide order dated 16.03.2023, which is impugned herein.

3. Undisputedly, the prayer made in the representation decided by the respondent-department was solely to the extent of giving pensionary benefits. The said representation had been submitted owing to inadvertence on the part of the counsel for the petitioner in not challenging the order whereby the services of Khubi Ram had been terminated in the year 2010. On being confronted with the fact that in the absence of any challenge to the order of termination passed by the respondents, a deeming bar imposed on account of conceding a challenge to the order of termination, the prayer for grant of pensionary benefits cannot be acceded to by raising a fresh challenge to the initial order of termination, counsel for the petitioner seeks withdrawal of the instant writ petition so as to prefer an appeal before the statutory authority against the order of termination dated 03.03.2010. He also makes a prayer to direct the appellate authority to examine the appeal sympathetically and by condoning the period spent by the petitioner in pursuing his remedies before this Court and also taking into consideration



the judgments passed by this Court as well as the Hon'ble Supreme Court in the matter of proportionality of the punishment.

4. Learned State counsel has no objection to the same.

5. The present writ petition is disposed of at this juncture with liberty to the petitioner to prefer an appeal and raise all pleas before the appellate authority against the order of termination.

6. In the event of the petitioner(s) preferring an appeal within a period of 04 weeks from the receipt of a certified copy of this order before the appellate authority, the same shall be decided in accordance with law and after taking into consideration the judicial precedents as may be referred to by the counsel for the petitioner(s).

7. The period spent in pursuing the remedies before this Court under a mistake shall be taken into consideration.

8. Let the decision be taken within a period of 03 months of filing of the appeal after granting an opportunity of hearing to the respective parties. Needless to mention that in the event of the petitioner succeeding in the appeal before the appellate authority, the requisite financial benefits may be released expeditiously and preferably within a period of 03 months thereafter.

(VINOD S. BHARDWAJ)
JUDGE

08.07.2025

Mangal Singh

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