



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

CM-13771-CWP-2025 in
CWP-22021-2016
Date of decision: 04.12.2025

Balwan Singh

....Petitioner

Versus

The State of Haryana and others

...Respondents

CORAM: HON'BLE MR. JUSTICE HARPREET SINGH BRAR

Present: Mr. Shvetanshu Goel, Advocate
for the applicant/petitioner.

Mr. Piyush Khanna, Addl.A.G., Haryana.

Ms. Sarita, Advocate for
Mr. Abhilaksh Grover, Advocate
for respondents No.2 & 3.

HARPREET SINGH BRAR, J. (ORAL)

CM-13771-CWP-2025

The present application has been filed under Section 151 of CPC
for fixing the main case for some actual date of final hearing.

Learned counsel for the applicant/petitioner submits that in view
of the fact that the case of the applicant/petitioner is squarely covered by the
judgment rendered by the Coordinate Bench of this Court in CWP No.18772 of
2016 titled as '*Satbir Singh Vs. Haryana Power Generation Corporation Ltd.
and another*' decided on 12.03.2019, the present application be allowed and the
main case be listed for arguments.

Learned State counsel as well as counsel for respondents No.2 & 3
submit that they have no objection in case the present application is allowed.

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In view of the submissions made by counsel for the applicant/petitioner and the stand taken by the learned State counsel as well as counsel for respondents No.2 & 3, the present application is disposed of and the main case is taken up on board today itself.

CWP-22021-2016

1. The present civil writ petition has been filed under Articles 226/227 of the Constitution of India for issuance of a writ in the nature of *certiorari* for quashing the order dated 27.07.2016 (Annexure P-12) and further for directing the respondents to allow pay and allowances to the petitioner for the intervening period from 26.09.2011 to 30.09.2014.

2. Learned counsel for the petitioner *inter alia* contends that the petitioner was compulsory retired on attaining the age of 54. The order has been passed on the basis of enquiry report dated 02.05.2008 and a punishment order dated 27.07.2009. He further refers to the report dated 02.05.2009 (Annexure P-3) and submits that along with the petitioner, 12 more persons including Satbir Singh, Fireman was ordered to be compulsory retired on attaining the age of 55 years. Satbir Singh, along with two other persons challenged the action of the respondents by way of filing CWP No.18772 of 2016 titled as '***Satbir Singh Vs. Haryana Power Generation Corporation Ltd. and another***' and this Court allowed the said petition and impugned order dated 01.06.2016 was set aside by holding that the petitioner therein is held entitled to the salary with effect from 20.04.2011 to 30.04.2014, and the arrears were ordered to be paid within a period of four months from the date of receipt of certified copy of the order. Thereafter, a Review Petition bearing No. RA-CW-

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427 of 2019 in CWP No.187772 of 2016 was preferred which was allowed on 29.01.2020 and a simple interest @ 6 % per annum on the delayed payment of benefits was also granted.

3. On the other hand learned counsel for the respondent-Corporation is not in a position to distinguish the case of the petitioner from the petitioners in ***Satbir Singh's case (supra)*** and other connected cases. The impugned order vide which the petitioner was ordered to be compulsory retired was set aside by this Court in ***Satbir Singh's case (supra)*** and he was also awarded a simple interest @ 6% per annum vide order passed by this Court vide order dated 29.01.2020 passed by this Court in the review petition filed by Satbir Singh.

4. Having heard learned counsel for the parties and perusal of the record, it transpires that on 02.05.2019 an order was passed against 13 persons including the petitioner and Satbir Singh, Fireman. Satbir Singh, Fireman challenged the action of the respondents by filing CWP No.18772 of 2016, which was allowed by this Court on 12.03.2019. The operative part of the judgement reads as under:-

“...In view of the facts of the present case, the department itself has expunged the adverse ACR vide order dated 30.4.2015 (Annexure P-11) and thereafter vide order dated 01.06.2016 (Annexure P-13) allowed the petitioner to continue till the age of superannuation after crossing 55 years of age. However, on the basis of principle of 'no work no pay' petitioner was not held entitled for the salary for the period from 20.4.2011 to 30.4.2014. This principle will not be applicable in this case as the petitioner could not be retired



at the age of 55 years because as per the enquiry reports dated 2.1.2015 and 12.4.2015, the charges against the petitioner for recording adverse ACR were not made out. Hence the petitioner had every right to continue his services and he could not be compulsorily retired. The petitioner was not allowed to work on account of the enquiry proceedings which were ultimately held to be in favour of the petitioner. Keeping in view the judgment passed by Hon'ble the Supreme Court of India in Union of India vs. KV Jankiraman 1991 (4) SCC 109, this writ petition is allowed. Impugned order dated 1.6.2016 (Annexure P-13) is set aside. The petitioner is held entitled to salary w.e.f 20.4.2011 to 30.4.2014. The benefit of arrears shall be paid to the petitioners within a period of 4 months of receipt of a certified copy of this order.”

5. In view of the admitted facts and circumstances of the case, the present petition is allowed in terms of ***Satbir Singh's case (supra)***. The impugned order dated 27.07.2016 (Annexure P-12) is hereby set aside. The petitioner is held entitled to the salary from the period he was compulsory retired till his superannuation in terms of ***Satbir Singh's case (supra)*** along with interest @ 6% per annum.

6. Pending miscellaneous applications, if any, shall also stand disposed of.

(HARPREET SINGH BRAR)
JUDGE

04.12.2025
Neha

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