



CWP-16212-2025

-1-

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

103

CWP-16212-2025

Date of Decision: 23.07.2025

Rajesh Yadav

...Petitioner

**Versus**

State of Haryana and others

...Respondents

**CORAM: HON'BLE MR. JUSTICE JAGMOHAN BANSAL**

Present: - Mr. Kshitij Sharma, Advocate,  
Ms. Gurpreet Kaur Bhatti, Advocate and  
Mr. Shubhkarman Singh Gill, Advocate for the petitioner  
Ms. Rajni Gupta, Additional Advocate General, Haryana  
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**JAGMOHAN BANSAL, J.** (Oral)

1. The petitioner through instant petition under Articles 226/227 of the Constitution of India is seeking setting aside of order dated 29.07.2023 (Annexure P-16) passed by respondent No.2-Director General of Police, Haryana and order dated 25.03.2023 (Annexure P-15) passed by respondent No.3-Additonal Director General of Police, South Range, Rewari whereby he has been punished with stoppage of one increment with permanent effect.

2. The petitioner was dismissed from service vide order dated 27.05.2015 passed by Disciplinary Authority. He unsuccessfully approached higher authorities. He preferred *CWP No.23083 of 2015* before this Court which was allowed vide judgment dated 31.05.2019. The order of dismissal was set aside and he was held entitled to all consequential benefits. The



respondent-State preferred Intra Court Appeal which came to be partially allowed vide order dated 21.02.2023 passed by a Division Bench of this Court in *LPA No.1502 of 2019*. The order of consequential benefits was set aside and the matter was remanded back to Disciplinary Authority for fresh consideration *qua* quantum of punishment. The Disciplinary Authority was also directed to consider as to how to treat the period between 31.05.2019 when the writ petition was allowed and date of order passed by Appellate Court. The Disciplinary Authority vide order dated 25.05.2023 substituted punishment of dismissal from service for stoppage of three annual increments with permanent effect. The period of suspension was declared as not spent on duty. He was further declared not entitled to pay and allowances for his dismissal period i.e. 27.05.2015 to 30.03.2023 on the principle of 'no work no pay'. He preferred appeal which was partially allowed. The punishment of stoppage of three increments with future effect was substituted for stoppage of one increment with permanent effect.

3. Learned counsel for the petitioner submits that the petitioner may not be entitled to financial benefits for the period from 27.05.2015 to 30.03.2023, however, his entire suspension/dismissal period needs to be counted towards his service tenure because dismissal order stands set aside by learned Single Judge as well as Division Bench of this Court. The fresh order of forfeiture of increments relates back to dismissal order. As dismissal order stands set aside, his entire suspension/dismissal period should be counted towards his service. His case is squarely covered by judgment of this Court in ***Rajbir Singh v. State of Haryana and another, 2013 SCC OnLine P&H 16174.***



CWP-16212-2025

-3-

4. Notice of motion.

5. Ms. Rajni Gupta, Additional Advocate General, Haryana, who on advance notice is present in Court, accepts notice on behalf of respondent-State.

6. On the request of both sides, the matter is taken up for final adjudication.

7. Learned State counsel submits that Division Bench of this Court while adjudicating *LPA No.1502 of 2019* filed against order dated 31.05.2019 of learned Single Judge in *CWP No.23083 of 2015*, has settled rights and liabilities for the period from 27.05.2015 to 30.05.2019. The authorities were supposed to decide fate of the period beyond 31.05.2019. The Adjudicating Authority has rightly declared the said period as not spent on duty.

8. I have heard the arguments of learned counsel for both sides and perused the record with their able assistance.

9. This is second round of litigation. In the first round, the petitioner preferred *CWP No.23083 of 2015* assailing orders dated 27.05.2015 and 18.09.2015 passed by respondent-Authorities. The writ petition was allowed with consequential benefits vide order dated 31.05.2019. The operative portion of said order reads as: -

*“In view of the above discussion, this Court is of the view that punishment of dismissal from service is disproportionate to the gravity of misconduct of the petitioner. ACRs of the petitioner have also been proved by EHC Kamal Singh vide his statement dated 13.11.2014*



*(Annexure P-6), which was made before the Enquiry Officer. A perusal of the same shows that out of 29 entries, four were adverse. Hence, even as per record, his 25 entries were good. Keeping in view that the petitioner had rendered about 25 years of service and the impugned punishment is in disproportionate to the gravity of the charges, this petition deserves to be allowed.*

*Resultantly, the present petition is allowed and impugned orders dated 27.05.2015 & 18.09.2015 (Annexure P-13 & P-15) are set aside. Petitioner is also held entitled to all consequential benefits.”*

10. The respondent-State preferred Intra Court Appeal which was finally disposed of vide order dated 21.02.2023. The operative portion of said order reads as: -

*“In this view of the matter, the appeal is allowed; the impugned order passed on 31.05.2019 to the extent that the learned Single Judge allowed the writ petition and also granted consequential benefits, is set aside, it is however, confirmed as regards setting aside of the orders dt.27.05.2015 and 18.09.2015 passed by the appellants; and the matter is remitted back to the Disciplinary Authority for fresh consideration the quantum of the punishment to be imposed on the respondent. It is also open to the said Disciplinary Authority to consider how to treat the period between 31.05.2019 when the writ petition was allowed and today. The Disciplinary Authority shall give a notice to the respondent before passing any order regarding quantum of the punishment to be imposed on the respondent and he shall also provide an opportunity of personal hearing to the respondent prior to passing of such order. It is also open to the respondent to give a written representation regarding the quantum of punishment proposed in the notice issued to him by the appellants.”*



CWP-16212-2025

-5-

11. The Disciplinary Authority, pursuant to aforesaid order of Division Bench of this Court, passed order dated 25.05.2023 (Annexure P-15) whereby petitioner was awarded punishment of stoppage of three annual increments with permanent effect. The Authority rejected claim of the petitioner to treat suspension period as on duty. The operative part of order dated 25.05.2023 reads as: -

*“However, keeping in view the work done by the delinquent after taking charge of the situation on the next day i.e. 07.10.2014 at 9:00 AM, there are sufficient mitigating circumstances to take a lenient view in the matter, so I award him the punishment of stoppage of three annual increments with permanent effect. His suspension period shall be treated as “not spend on duty and further he is also not entitled for pay & allowances for his dismissal period i.e. from 27.05.2015 to 30.03.2023 on the principle of “no work no pay”.”*

12. The petitioner preferred appeal which was disposed of vide order dated 29.07.2023 (Annexure P-16) passed by Director General of Police, Haryana.

13. The petitioner is not disputing quantum of punishment, however, is claiming that period of suspension/dismissal should be counted towards service. The said period should be treated as spent on duty instead of absence from duty. The claim of the petitioner for the period from 27.05.2015 to 31.05.2019 is misconceived as Division Bench of this Court vide order dated 21.02.2023 has categorically set aside order dated 31.05.2019 of Single Judge to the extent of consequential benefits. The counting of suspension/dismissal period in service is a consequential benefit. The Division Bench further made it clear that Disciplinary Authority is free



to consider how to treat the period between 31.05.2019 when the writ petition was allowed and date of order i.e. 21.02.2023. The order of Division Bench was never challenged, thus, both sides are bound by said order. None of the party can claim benefit beyond the said judgment on the basis of any other judgment. The petitioner cannot claim benefit of judgment of this Court in ***Rajbir Singh (supra)***. He was bound to claim benefit within the boundaries carved out by Division Bench of this Court while passing order dated 21.02.2023.

14. In normal course, the matter needs to be remanded back to Authorities to reconsider question of status of aforesaid period, however, this Court, considering the fact that petitioner was dismissed from service in 2015; period of 10 years from said order has passed away and this is second round of litigation, does not find it appropriate to remand the matter to authorities to pass fresh order. There are possibilities that it may lead to third round of litigation. To avoid further litigation, this Court finds it appropriate to decide fate of period in question.

15. The Adjudicating Authority and Appellate Authority while passing impugned orders have not decided fate of period from 31.05.2019 to 21.02.2023. The Authorities were bound to consider period from 31.05.2019 to 21.02.2023 in true spirit. The orders dated 27.05.2015 and 18.09.2015 whereby petitioner was dismissed from service were set aside by this Court vide order dated 31.05.2019. The petitioner was not reinstated in spite of orders of learned Single Judge of this Court. A Division Bench of this Court rejected claim of the petitioner *qua* period from the date of dismissal to date of order of learned Single Judge, however, directed Authorities to reconsider

**CWP-16212-2025****-7-**

fate of period from 31.05.2019 onwards. The petitioner was ordered to be reinstated by order dated 31.05.2019. The order of reinstatement was not set aside by Division Bench. On account of interim orders passed by Division Bench, the petitioner was not permitted to join despite orders of reinstatement passed by learned Single Judge. The petitioner may not be entitled to salary for the period from 31.05.2019 to 21.02.2023, however, it would not be appropriate to deny him benefit of counting of said period towards his service tenure. He was available for service and there was order in his favor. His order of dismissal was set aside and Division Bench also upheld setting aside of order of dismissal.

16. In the wake of above discussion and findings, this Court is of the considered opinion that impugned orders need to be modified and accordingly modified to the extent that period from 31.05.2019 to 30.03.2023 shall be treated as spent on duty. The said period shall be counted toward his service tenure, however, it is made clear that he shall not be entitled to financial benefits for the said period.

17. Disposed of in above terms.

**(JAGMOHAN BANSAL)**  
**JUDGE**

**23.07.2025***Mohit Kumar*

|                           |        |
|---------------------------|--------|
| Whether speaking/reasoned | Yes/No |
| Whether reportable        | Yes/No |