



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

CWP-9574-2015

Date of Decision: 02.09.2025

Surinder Kumar

...Petitioner

Versus

State of Punjab and Others

...Respondents

CORAM:- HON'BLE MR. JUSTICE JAGMOHAN BANSAL

Present:- Mr. Jaspal Singh Maanipur, Advocate for the petitioner.

Mr. G.S. Bhullar, AAG, Punjab.

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 06.05.2010 to the extent his dismissal period has been declared as non-duty period.

2. The petitioner joined Punjab Police. In 2003, he was holding rank of Assistant Sub Inspector (**ASI**). He came to be dismissed from service vide order dated 23.04.2003 passed by Superintendent of Police (**SP**), Telecommunication, Punjab, Chandigarh. He unsuccessfully preferred appeal as well as revision. He filed **CWP No.6143 of 2005** before this Court which was disposed of with a direction to respondent to consider the issue in the light of observations made by Court. The respondent reconsidered case of petitioner and passed impugned order dated 06.05.2010. The petitioner was reinstated, however, his dismissal period i.e. from 23.04.2003 till the date of reinstatement was declared as non-duty period.

3. Mr. Jaspal Singh Maanipur, Advocate submits that petitioner

may be denied back wages, however, it is unfair not to count his dismissal period in the length of service because it is adversely affecting his pension.

4. *Per contra*, Mr. G.S. Bhullar, AAG, Punjab submits that petitioner was not honourably exonerated by Departmental Authority. On compassionate ground, he was reinstated, thus, his absence period cannot be counted.

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

6. From the perusal of record, it is evident that petitioner was suffering from Epilepsy and because of said reason, he was absent from duty. At the time passing dismissal order, he had already completed 26 years and 08 months' service. He was not habitual absentee or guilty of gravest misconduct still he was dismissed from service. He was reinstated in view of directions of this Court. As there was reasonable cause for absence from duty, the petitioner may not be entitled to back wages, however, his period of dismissal from service till date of reinstatement ought to be counted in the length of service.

7. Accordingly, the impugned order is hereby modified to the extent that petitioner's dismissal from service till the date of reinstatement would be treated as duty period, however, he shall not be entitled to financial benefits for the said period.

8. ***Disposed of.***

(JAGMOHAN BANSAL)
JUDGE

02.09.2025
Prince Chawla

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