



CWP-20055-2025

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

CWP-20055-2025**Date of Decision: 18.07.2025****GURDEV SINGH**

..... Petitioner

*Versus***STATE OF PUNJAB AND OTHERS**

..... Respondents

CORAM: HON'BLE MR. JUSTICE JAGMOHAN BANSAL

Present: Mr. H.C. Arora, Advocate
for the petitioner.

Mr. Aman Dhir, DAG, Punjab.

JAGMOHAN BANSAL, J. (Oral)

1. The petitioner through instant petition under Article 226 of the Constitution of India is seeking setting aside of;

- (i) Order dated 11.01.2010 to the extent he has been denied salary for the period from 12.12.1986 to 25.09.2009;
- (ii) Order dated 15.03.2010 whereby Appellate Authority has dismissed his appeal; and
- (iii) Order dated 18.11.2024 whereby Home Secretary has rejected his revision.

2. The petitioner was enrolled as Constable in 13th Battalion, PAP Headquarter, Punjab. In 1985, he was found checking traffic though he was not empowered to do so. He was immediately placed under suspension. He was reinstated w.e.f. 12.02.1986 and thereafter dismissed vide order dated 12.12.1986. He challenged dismissal order before Civil



Court. Learned Civil Judge dismissed his suit vide judgment dated 04.10.1991. He unsuccessfully preferred appeal before Appellate Court. He preferred RSA No.1792 of 1996 before this Court which was partially allowed. The dismissal was set aside and matter was remanded back to Disciplinary Authority with a direction to hold fresh enquiry. He was reinstated w.e.f. 15.09.2009. The District Magistrate disapproved case of the Police Department. Commandant PAP, Jalandhar vide order dated 11.01.2010 held that petitioner is not entitled to salary for the period from 12.12.1986 to 25.09.2009 on the principle of no work no pay, however, he was granted benefit of said period for the purpose of pension and promotion. He preferred an appeal before Appellate Authority which came to be dismissed vide order dated 15.01.2010. Government has dismissed his revision vide order dated 18.11.2024. The relevant extracts of order dated 18.11.2024 passed by Administrative Secretary Home Affairs Department, Punjab are reproduced as below:

“9. Whereas the Commandant, 80th Battalion PAP, Jalandhar, vide order dated 11.01.2010, had treated the period of the appellant's absence from service from 12.12.1986 to 25.09.2009 as without pay on the principle of "No work No pay".

10. Whereas the appellant had filed appeals against the said orders before the DIG/Administration, PAP, and IGP/PAP, Jalandhar, which were dismissed vide orders dated 15.03.2010 and 12.07.2010 respectively, being time barred.

11. Whereas the Commandant, 80th Battalion PAP, Jalandhar has written that the order passed by the Hon'ble High Court dated 29.05.2009 clearly states that "He shall not be paid any arrears of salary." As per the said orders of the High Court, the present appeal of the appellant is hereby recommended to be dismissed as time barred.



12. The appeal of the appellant Retired Constable Gurdev Singh No. 80/50 has already been rejected by the Government vide order dated 12.07.2010, which is almost 14 years old. Further, the appellant has failed to show any valid reason in support of the delay in filing the appeal against the orders passed by the competent authority. Therefore, there is no justification/need to review the orders issued by the undersigned administratively at this stage.

13. In view of the above situation, the appeal of the appellant is considered and consigned to the office record.”

3. Learned counsel for the petitioner submits that no third party right is going to be created, thus, this Court ought to entertain instant petition. It is case of salary of the petitioner for the alleged period.

4. The petitioner was reinstated and his case was reconsidered in terms of order dated 29.05.2009 passed by this Court. The relevant extracts of order dated 29.05.2009 are reproduced as below:

“Consequently, the present appeal is partly allowed and order of dismissal is set aside whereas the judgment and decree of the Courts below stands modified to the extent that the matter is remitted back to the disciplinary Authority with a direction to hold a fresh enquiry, keeping in view Rules 16.2 and 16.38 and pass fresh orders within three months from the date of receipt of certified copy of this judgment. He shall not be paid any arrears of salary. However, the payment of consequential benefits be also kept in abeyance and be decided by the disciplinary Authority at the time of giving decision.”

5. From the perusal of orders dated 29.05.2009 of this Court, it is quite evident beyond the pale of doubt that while disposing of RSA, this Court has categorically held that petitioner shall not be paid any arrears of salary. The said order was never challenged, thus, has



attained finality. It is apt to notice that petitioner was reinstated because of aforesaid order.

6. In view of order dated 29.05.2009 of this Court, claim of petitioner cannot be countenanced. Petition being bereft of merit deserves to be dismissed and accordingly dismissed.

(JAGMOHAN BANSAL)
JUDGE

18.07.2025
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Whether speaking/reasoned	Yes/No
Whether Reportable	Yes/No