



CWP-29508-2024

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

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CWP-29508-2024

Date of Decision: 20.01.2025

Lal Chand

...Petitioner

Versus

The Haryana State Federation of Consumers Cooperative Wholesale**Stores Limited and others****...Respondents****CORAM: HON'BLE MR. JUSTICE JAGMOHAN BANSAL**

Present: - Mr. Shiv Kumar, Advocate for the petitioner

Mr. Raman Sharma, Additional Advocate General, Haryana

JAGMOHAN BANSAL, J. (Oral)

1. The petitioner through instant petition under Articles 226/227 of the Constitution of India is seeking modification of order dated 31.08.2018 (Annexure P-15) passed by respondent No.2 and direction to respondent No.3 to pay wages for the period from 13.11.1995 to 31.03.2012.

2. The petitioner was working with the respondent as Salesman. He was served charged sheet on 02.03.1994. A proper inquiry was conducted and vide order dated 16.10.1995 (Annexure P-6) he was awarded punishment of dismissal from service. He unsuccessfully preferred an appeal. An FIR was registered against him alleging misappropriation of funds. He came to be acquitted by the Trial Court. He preferred *CWP No.2353 of 2001* assailing order of dismissal from service as well as appellate order. The said petition was allowed by way of remand vide



judgment dated 11.11.2016 (Annexure P-13). The respondent pursuant to orders of this Court passed fresh order dated 12.11.2018 (Annexure P-16) whereby the period of dismissal from service was ordered to be treated as dies-non period and said period was considered as duty period for service benefits other than salary meaning thereby the termination period was counted for the purpose of gratuity and leave encashment, however, salary was not extended for the period from 13.11.1995 to 31.03.2012.

3. Learned counsel for the petitioner, on being asked reason of assailing impugned order after six years, submits that claim of the petitioner is a recurring cause, thus, writ petition is maintainable.

4. The impugned order was passed on 12.11.2018. The petitioner was extended benefit of dies-non period and his absence period was ordered to be counted for the purpose of gratuity and leave encashment. As he had not worked during the period of dismissal from service, he was not extended benefit of salary. At that stage he was satisfied, thus, did not approach this Court within reasonable period. He has approached this Court after the expiry of more than six years and there is no reason for the inordinate delay. It is apt to notice here that impugned order was passed on the direction of this Court, thus, the petitioner cannot claim that he was unaware of his legal rights. Claim of petitioner *qua* wages for the period from 13.11.1995 to 31.03.2012 is unsustainable and accordingly rejected.

5. Mr. Shiv Kumar, Advocate submits that his second prayer *qua* pay revision may be considered.

6. Learned State counsel with respect to pay revision submits that

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revision would be decided in the light of order dated 04.01.2024 (Annexure P-17) of this Court in *CWP No.10458 of 2016*.

7. In the wake of above discussion & findings and statement of learned State counsel, the present petition stands disposed of. Let the needful be done within three months from today.

(JAGMOHAN BANSAL)
JUDGE

20.01.2025
Mohit Kumar

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