



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

115

CWP-26283-2025

Date of Decision: 04.09.2025

SHIV KUMAR

...Petitioner

Vs.

STATE OF PUNJAB AND OTHERS

...Respondents

CORAM:- HON'BLE MR. JUSTICE JAGMOHAN BANSAL

Present:- Ms. Navdeep, Advocate for the petitioner

Mr. Aman Dhir, Deputy Advocate General, Punjab

JAGMOHAN BANSAL, J. (ORAL)

1. The petitioner through instant petition under Article 226/227 of the Constitution of India is seeking setting aside of orders dated 19.07.2017 (Annexure P-7), 03.11.2017 (Annexure P-9) and communication dated 29.05.2025 (Annexure P-14) to the extent respondent has considered period from date of cancellation of his appointment letter to date of re-joining as without duty without pay.

2. Petitioner's father who was Head Constable suffered 4 bullet shots while on duty. He passed away on 25.02.2008 in harness. The petitioner requested respondent to appoint him on compassionate ground but to no avail. He preferred CWP No.21418 of 2012 before this Court which was disposed of with a direction to respondents to consider his claim. Pursuant to aforesaid order, he came to be appointed as Constable on 16.07.2013. His appointment letter was cancelled on 10.01.2014 on the ground of pendency of Court case arising out of FIR No.66 dated

11.07.2011 under Sections 498-A/323/34 of IPC registered at Police Station Mahilpur, District Hoshiarpur. The appointment letter was cancelled without granting him opportunity of hearing. He preferred *CWP-3039-2014* before this Court seeking reinstatement. This Court vide order dated 16.10.2014 set aside aforesaid FIR on the basis of compromise. The petitioner after quashing of FIR requested respondent to reinstate him. He was reinstated vide letter dated 19.09.2017 which was based upon letter dated 28.08.2017 of DGP. He filed application dated 23.09.2017 seeking withdrawal of writ petition No.*CWP-3039-2014* which was dismissed as withdrawn vide order dated 29.09.2017. The petitioner was reinstated, however, without backwages. The petitioner served notice dated 10.02.2025 upon respondent requesting to consider period from January' 2014 to November' 2017 as duty period and grant arrears. He served reminder dated 19.03.2025 upon the respondent. The respondent vide communication dated 29.05.2025 rejected his claim.

3. Learned counsel for the petitioner submits that FIR against petitioner was quashed vide order dated 16.10.2014 passed by this Court. It was a matrimonial discord. The petitioner had filed application for compassionate appointment in 2008 whereas FIR was registered in 2011. The petitioner was reinstated in November' 2017, however, he was not granted benefit of continuity of service as well as salary for the intervening period.

4. Learned State counsel, who on advance notice is present in Court, submits that petitioner was reinstated from the date of cancellation of appointment i.e. 10.01.2014. He had not worked from 10.01.2014 to

November 2017, thus, he was not entitled to salary and other financial benefits for the said period.

5. The petitioner was appointed on compassionate ground. He was appointed on 16.07.2013 and his appointment was cancelled on 10.01.2014. He was reinstated on 03.11.2017. He remained out of service from January' 2014 to November' 2017. The appointment letter was cancelled on the ground of aforesaid FIR. This Court quashed FIR on the ground of compromise between the parties. It was a matrimonial dispute. The respondent has reinstated petitioner from the date of cancellation of appointment letter. He may not be entitled to salary for the intervening period, however, said period is liable to be counted towards service because he has been reinstated from 10.01.2014.

6. Accordingly, it is hereby clarified that period from 10.01.2014 to 02.11.2017 shall be counted towards length of service of the petitioner. He would not be entitled to the salary for the said period, however, he shall be entitled to all other benefits.

7. Disposed of

8. Pending application(s), if any, stands disposed of.

(JAGMOHAN BANSAL)
JUDGE

04.09.2025
Deepak DPA

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