



**CWP-6718-2021**

**:1:**

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

**217**

**CWP-6718-2021 (O&M)  
Date of decision : 06.04.2026**

**GHAMANDI LAL**

**..... Petitioner**

**VERSUS**

**STATE OF HARYANA AND OTHERS**

**..... Respondents**

**CORAM : HON'BLE MR. JUSTICE DEEPINDER SINGH NALWA**

**\*\*\***

Present :- Mr. Hakam Singh, Advocate with  
Ms. Amrita Negi and Mr. Ajay Singh Virk, Advocates  
for the petitioner.

Mr. Ravi Pratap Singh, DAG, Haryana.

**\*\*\***

**Deepinder Singh Nalwa, J. (Oral)**

1. In the present writ petition, the petitioner has challenged the order dated 28.01.2019 (Annexure P-7), whereby, although the petitioner has been permitted to be reinstated in service, the period during which the petitioner remained out of service from the date of removal till reinstatement has been treated as “dies-non” for the purposes of monetary and service benefits.

2. Brief facts of the case are that the petitioner was appointed as a Constable in Haryana Police on a regular basis on 10.11.1991. While the petitioner was posted in Sirsa, he was removed from service vide order dated 24.07.2010 (Annexure P-1) by invoking powers under provisions of Article

**CWP-6718-2021****:2:**

311 (2) (b) of the Constitution of India. The petitioner filed an appeal against the said order of dismissal dated 24.07.2010 (Annexure P-1), which was dismissed by the Appellate Authority on 26.10.2010.

3. Aggrieved against the above said orders, the petitioner preferred a revision petition before the Government, the same was also dismissed vide order dated 05.07.2014.

4. Aggrieved against the above said orders, petitioner filed a writ petition in this Court, being CWP-16439-2014, wherein this Court, vide order dated 27.07.2015 (Annexure P-2), set aside the order dated 24.07.2010 (Annexure P-1) and directed the respondents to consider the revision petition afresh and pass an order after taking into account the grounds mentioned therein, as well as the application filed by the petitioner, after affording an opportunity of hearing to the petitioner, within a period of 02 months from the date of receipt of the order.

5. In pursuance of the order passed by this Court on 27.07.2015 (Annexure P-2), the revision petition was again considered and dismissed vide order dated 06.10.2015 (Annexure P-3). Aggrieved against the above said order, the petitioner again approached this Court by way of filing CWP-23776-2015 (Annexure P-4). The said writ petition was partly allowed and the orders passed by the Appellate Authority and Revisional Authority were set aside with a liberty to the disciplinary authority to pass a fresh order while exercising powers under Article 311 (2) (b) to the extent of imposing an appropriate penalty, where the statute provides for imposition of any one

**CWP-6718-2021****:3:**

of the prescribed penalty within a period of three months from the date of passing of the order.

6. In pursuance thereof, the respondents passed an order dated 28.01.2019 (Annexure P-7), whereby, taking sympathetic view, the petitioner was allowed to rejoin duty with immediate effect. However, the period during which the petitioner remained out of service was treated as “dies-non” and he was held not entitled for any monetary or service benefits for that period till reinstatement.

7. Aggrieved against the above said orders, the petitioner has filed the present writ petition.

8. The only contention raised by learned counsel appearing on behalf of the petitioner is that once the petitioner has been reinstated in service, there was no justification for the respondents to treat the period when the petitioner remained out of service i.e. from the date of removal till reinstatement as “dies-non” for the purposes of monetary and service benefits.

9. Learned counsel appearing on behalf of respondents submits that it is not a case of exoneration in fact a sympathetic view was taken by the respondents and the petitioner was reinstated in service. As such, the petitioner has rightly been held not entitled for any monetary or service benefits for the period during which he remained out of service till reinstatement.

10. After hearing the learned counsel appearing on behalf of the parties, the only issue involved in the present writ petition is that whether the



**CWP-6718-2021**

**:4:**

petitioner is entitled for grant of monetary and service benefits for the period when petitioner was remained out of service till reinstatement.

11. A perusal of the facts of the present case would show that it is not a case of exoneration. Taking sympathetic view, the petitioner has been held entitled to be reinstated in service. Reinstatement on sympathetic grounds does not mean that the punishment imposed upon employee was illegal or misconduct does not exist. If the contention of learned counsel appearing on behalf of the petitioner has to be accepted, in that case, it will amount to giving premium to the misconduct. No rules have been brought to the notice of this Court that in a case where the employee has not been exonerated of charges and has been reinstated in service, is entitled for monetary and service benefits for the period when he remained out of service till reinstatement.

12. In light of the above said facts and circumstances, this Court finds no merit in present writ petition and the same is accordingly dismissed.

13. Pending application(s), if any, shall also stand(s) disposed of accordingly.

**(DEEPINDER SINGH NALWA)**  
**JUDGE**

**06.04.2026**  
Rimpal

|                           |        |
|---------------------------|--------|
| Whether speaking/reasoned | Yes/No |
| Whether Reportable :      | Yes/No |