



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

204

RSA-3793-1999 (O&M)

Date of decision: 14.01.2026

Satyawanti

.....Petitioner

Versus

State of Haryana and another

.....Respondents

CORAM: HON'BLE MR. JUSTICE NAMIT KUMAR

Present : Mr. Ramesh Hooda, Advocate
for the appellant.

Mr. Priyavrat Parashar, AAG, Haryana.

NAMIT KUMAR, J. (ORAL)

1. The appellant/plaintiff has filed the present Regular Second Appeal against the judgment and decree dated 18.05.1999, passed by learned Additional District Judge, Rohtak, whereby the appeal preferred by the respondents-State, against the judgment and decree dated 06.10.1998 passed by learned Civil Judge (Jr. Divn.), Rohtak, was accepted and the suit filed by the appellant/plaintiff was dismissed.

2. The appellant was initially appointed as Tailoring Mistress on 15.07.1967 and her services were terminated on 29.08.1983 without following the due procedure of law. On an appeal filed by her, the appellate authority, vide order dated 26.11.1985, withdrew the order of termination dated 29.08.1983 with immediate effect without prejudice to the disciplinary action that may be taken against the appellant/plaintiff and she was directed to report to the District

Education Officer, Rohtak, for obtaining her posting orders. Thereafter, after holding a detailed regular departmental enquiry, vide order dated 18.08.1992, the absence of the plaintiff from 21.05.1981 to 25.10.1983 and 01.01.1986 to 18.03.1986 was treated as leave of the kind due and she was warned to be careful in future. Further, the period from 26.10.1983 to 31.12.1985, during which the appellant/plaintiff remained out of service due to her wrongful termination, was also treated as leave of kind due. Thereafter, the appellant/plaintiff filed a suit for declaration with consequential relief of mandatory injunction in which the following issues were framed:-

- “1. Whether the plaintiff is entitled to the salary from 26.10.83 to 31.12.85, on the grounds mentioned in the plaint? OPP.*
- 2. Whether the plaintiff is entitled to increment and selection grade from April, 1981 to April 1991? OPP.*
- 3. Issue no.1 and 2 proved, whether the plaintiff is entitled to interest @ 18% p.a. ? OPP.*
- 4. Whether the suit is not maintainable in the present form? OPD.*
- 5. Whether the plaintiff has no locus-standi to file the present suit? OPD.*
- 6. Relief.”*

3. During the course of hearing, only issues No.1 and 3 were pressed by the appellant/plaintiff and the suit was decreed, vide judgment and decree dated 06.10.1988 by the learned Civil Judge (Jr. Divn.), Rohtak, by holding that the appellant/plaintiff is entitled for the salary with effect from 29.01.1983 to 31.12.1985, along with interest @ 18% per annum. The said judgment was assailed by the State before the First Appellate Court, Rohtak, which has been accepted and the

judgment and decree passed by the trial Court has been set aside. Aggrieved against the said judgment and decree, the appellant/plaintiff has preferred the instant Regular Second Appeal.

4. The only question which arises for consideration before this Court is as to whether the appellant/plaintiff is entitled for salary for the period from 26.10.1983 to 31.12.1985 when she remained out of service due to her termination.

5. In the present case, the services of the appellant/plaintiff were terminated on 29.08.1983 without following the due procedure of law and, therefore, the same was withdrawn by the appellate authority and the matter was referred back to the disciplinary authority. The disciplinary authority, after following the due procedure of law, awarded minor punishment of warning to the appellant/plaintiff and treated the period from 26.10.1983 to 31.12.1985 as leave of the kind due. Once only minor punishment has been awarded to the appellant/plaintiff, therefore, she cannot be denied the benefit of pay and allowances for the period she remained out of service due to illegal action of the respondent-department in terminating her services, which was ultimately withdrawn by the appellate authority. The said view is also supported from the judgments of this Court in ***Y.P. Sehgal v. State of Punjab : 1992(2) SCT 179; Dalip Singh v. State of Haryana and another : 2003(4) SCT 261; Dr. M.L. Kamra and others v. State of Haryana and others : 2009(4) SCT 27*** and ***O.P. Sindhwani v. State of Haryana and another : 2009(4) SCT 62***, wherein the suspension period was treated as leave of the kind due, despite award of minor punishment in the said cases and the employees were held entitled to

pay and allowances for the suspension period.

6. Consequently, the present appeal is allowed and the judgment passed by the First Appellate Court dated 18.05.1999, is set aside and the suit of the appellant/plaintiff is partly decreed, and the appellant/plaintiff is held entitled for the pay and allowances for the period from 26.10.1983 to 31.12.1985. Let the necessary benefits be calculated and released to the appellant/plaintiff within a period of three months from the date of receipt of certified copy of this order, along with 6% interest from the date of institution of the suit i.e. 24.09.1997 till the date of actual payment.

7. Pending applications, if any, stand disposed of.

14.01.2026

Vinay

(NAMIT KUMAR)
JUDGE

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