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

**CWP-9876-2020(O&M)
Date of decision : 23.03.2026**

Jasbir Singh

...Petitioner

Versus

State of Punjab and others

...Respondents

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

Present: Mr. R.K. Arora, Senior Advocate with
Mr. J.S. Bhogal, Advocate and
Mr. Shivam Ahuja, Advocate
for the petitioner.

Mr. Amarpreet Singh Bains, AAG, Punjab.

DEEPINDER SINGH NALWA, J. (Oral)

In the present writ petition, the petitioner is praying for issuance of a writ in the nature of certiorari for quashing the order dated 29.05.2018 (Annexure P-11) to an extent of applying the principle of 'no work no pay' for the period when the petitioner was out of service and also denial of benefit of continuity of service along with other notional benefits, from the date of dismissal till the date of reinstatement. The petitioner has also challenged the action of the respondents in not reinstating the petitioner on the post of Head Constable on his reinstatement.



2. The brief facts of the case are that the petitioner joined the Department of Police as Constable on 16.05.1990. Thereafter, the petitioner was promoted as Head Constable on 07.03.1994. On 02.12.1995, the petitioner met with an accident while riding a scooter. In the said accident, one Sh. Kishori Lal Saxena who was on cycle suffered injuries and ultimately died. First Information Report No.156 dated 02.12.1995 was registered against the petitioner under Section 279 and 304-A of Indian Penal Code, 1860. The petitioner was convicted vide judgment dated 26.03.1999 and was sentenced to undergo rigorous imprisonment for 01 year with a fine of Rs.500/-. Aggrieved against the abovesaid judgment dated 26.03.1999 passed by the Additional Chief Judicial Magistrate, Chandigarh, petitioner preferred an appeal before the Court of Additional Sessions Judge, Chandigarh. The abovesaid appeal was also dismissed vide judgment dated 05.01.2002 (Annexure P-1). The family of the deceased Sh. Kishori Lal Saxena approached the Motor Accident Claims Tribunal (in short 'the Tribunal') for compensation and the Tribunal awarded compensation of an amount of Rs.2 lakhs, vide award dated 07.01.2008. It transpires that due to registration of the abovesaid FIR, the petitioner was earlier placed under suspension vide order dated 05.12.1995. However, the petitioner was reinstated in service on 09.08.1996 as Head Constable. In view of conviction of the petitioner, a show cause notice was issued to the petitioner as to why petitioner should not be dismissed from service. The petitioner duly filed reply to the show cause notice. Taking into consideration the reply filed by the



petitioner, an order dated 04.12.2007 (Annexure P-2) was passed by the Commandant, 4th Reserve Battalion, Jalandhar Cantt., whereby, the punishment of reduction in rank was imposed upon the petitioner. Meaning thereby, the petitioner was reverted to the rank of Constable. The Deputy Inspector General of Police being Reviewing Authority while exercising his *suo motu* powers, reviewed the abovesaid order dated 04.12.2007 (Annexure P-2) and issued a show cause notice dated 19.12.2007 to the petitioner as to why the petitioner should not be dismissed from service. The petitioner duly filed reply to the abovesaid show cause notice. The reply filed by the petitioner was not found to be creditworthy, as a consequence of this, Deputy Inspector General of Police, passed an order dated 10.04.2008 (Annexure P-3), disagreeing with the earlier punishment by superseding/modifying the order dated 04.12.2007 (Annexure P-2) and passed an order of punishment of dismissal from service.

3. It transpires that aggrieved against the judgment dated 05.01.2002 (Annexure P-1) passed by the Additional Sessions Judge, Chandigarh, the petitioner preferred a Criminal Revision No.127 of 2002 before this Court and the same was disposed of vide order/judgment dated 01.05.2009 (Annexure P-4). A perusal of the judgment dated 01.05.2009 (Annexure P-4) passed by this Court would show that taking into consideration that the petitioner was facing criminal proceedings since the year 1995, the sentence was reduced qua imprisonment of petitioner under Section 304-A IPC from rigorous imprisonment for one year to rigorous imprisonment for six months,



however, the conviction as ordered against the petitioner was maintained. Aggrieved against the judgment dated 01.05.2009 (Annexure P-4) passed by this Court, the petitioner preferred SLP (Crl.) No.7637/2009 before Hon'ble the Supreme Court. It transpires that in terms of the order dated 04.10.2010 (Annexure P-6) and 06.12.2010 (Annexure P-7) passed by Hon'ble the Supreme Court in the abovesaid appeal, the petitioner deposited the amount of compensation awarded vide award dated 07.01.2008 by the Tribunal. However, the abovesaid appeal was dismissed by Hon'ble the Supreme Court vide order dated 10.09.2015 (Annexure P-8).

4. In pursuance of the order passed by this Court on 01.05.2009 (Annexure P-4), whereby the punishment imposed on petitioner was reduced, the petitioner filed an appeal-cum-representation dated 27.08.2009 (Annexure P-5) for setting aside and for reconsideration of the order of dismissal dated 10.04.2008 (Annexure P-3). No decision was taken on the abovesaid representation dated 27.08.2009 (Annexure P-5).

5. Thereafter, the petitioner served a notice of demand dated 18.05.2017 (Annexure P-9) to decide the pending appeal-cum-representation dated 27.08.2009 (Annexure P-5) of the petitioner and also to reconsider the order of punishment dated 10.04.2008 (Annexure P-3) vide which the petitioner was dismissed from service. As no decision was taken by the respondent on the abovesaid notice of demand dated 18.05.2017 (Annexure P-9), the petitioner filed CWP No.29924 of 2017 challenging the order of dismissal dated 10.04.2008



(Annexure P-3) and prayed for reinstatement in service along with all consequential benefits. The abovesaid writ petition was disposed of by this Court on 27.02.2018 (Annexure P-10) with a direction to the respondents to consider and decide the representation/notice dated 18.05.2017 within a period of six weeks. In light of the abovesaid order dated 27.02.2018 (Annexure P-10) passed by this Court, respondent No.2 passed an order dated 29.05.2018 (Annexure P-11) whereby order of dismissal dated 10.04.2008 (Annexure P-3) was quashed and the petitioner was awarded punishment of stoppage of three annual increments with cumulative effect and was to be reinstated in service by treating the period of absence as 'non-duty period'. It was also mentioned therein that while applying the principle of 'no work no pay', the petitioner will not be entitled for any benefit from the date of dismissal till the date of rejoining the department. In terms of the abovesaid order dated 29.05.2018 (Annexure P-11), the petitioner was reinstated and joined the service on 23.07.2018.

6. Learned counsel for the petitioner submits that the only grievance of the petitioner is that although, the order of dismissal dated 10.04.2008 (Annexure P-3) was quashed and punishment of stoppage of three annual increments with cumulative effect was awarded to the petitioner, even then, the petitioner was permitted to join as Constable and not as Head Constable i.e. the post on which petitioner was working at the time of dismissal. He submits that once the order of dismissal dated 10.04.2008 (Annexure P-3) was quashed, in that case,



the petitioner had to be reinstated on the post of Head Constable and not on the post of Constable.

7. On the other hand, learned State counsel submits that the petitioner is not entitled to be reinstated on the post of Head Constable in view of order dated 04.12.2007 (Annexure P-2), vide which the petitioner was reverted from the post of Head Constable to Constable. He submits that as the abovesaid order dated 04.12.2007 (Annexure P-2) was never challenged by the petitioner, the said order has attained finality, as such, the petitioner is not entitled to be reinstated on the post of Head Constable. He further submits that the abovesaid order dated 04.12.2007 (Annexure P-2) has not been superseded by the order dated 10.04.2008 (Annexure P-3).

8. I have heard learned counsel for the parties at length and perused the paper-book along with records.

9. The only issue involved in the present writ petition is whether the petitioner is entitled to be reinstated on the post of Head Constable on his reinstatement.

10. A perusal of the facts of the case would show that vide order dated 04.12.2007 (Annexure P-2), punishment of reversion was imposed upon the petitioner and he was to be reverted from the post of Head Constable to Constable. It transpires that the Reviewing Authority *suo motu* reviewed the order dated 04.12.2007 (Annexure P-2) and did not agree with the punishment of reversion and imposed the punishment of dismissal vide order dated 10.04.2008 (Annexure P-3).

The order dated 10.04.2008 (Annexure P-3) was considered by the



respondents in order dated 29.05.2018 (Annexure P-11), the order of dismissal of petitioner from service was quashed and punishment of stoppage of three annual increments with cumulative effect was awarded. In regard to the contention raised by learned State counsel that the order dated 04.12.2007 (Annexure P-2) was never challenged by the petitioner and the same has attained finality is concerned, the abovesaid contention cannot be accepted for the reason that order dated 04.12.2007 (Annexure P-2) was considered by the reviewing authority and the same was not accepted and order of punishment of dismissal from service was imposed by the reviewing authority vide order dated 10.04.2008 (Annexure P-3). Once the order dated 04.12.2007 (Annexure P-2) was reviewed by the reviewing authority and the order of punishment of reversion was superseded/modified vide order dated 10.04.2008 (Annexure P-3) to an extent of dismissal from service and thereafter, order dated 10.04.2008 (Annexure P-3) was quashed vide order dated 29.05.2018 (Annexure P-11) and punishment of stoppage of three annual increments with cumulative effect was imposed upon the petitioner, the earlier order dated 04.12.2007 (Annexure P-2) does not exist as it merges in the final order dated 29.05.2018 (Annexure P-11) which is legally enforceable, as such, there was no reason for the petitioner to challenge the abovesaid order dated 04.12.2007 (Annexure P-2).

11. Taking into consideration the abovesaid facts, it is held that the petitioner is entitled to be reinstated in service as Head Constable w.e.f. the date he joined the service in light of the order



dated 29.05.2018 (Annexure P-11). The petitioner is also held entitled for grant of all the consequential benefits, as per rules/law, treating petitioner as reinstated on the post of Head Constable w.e.f. the date petitioner joined the service. Respondents are directed to release the consequential benefits due to the petitioner within a period of 03 months from the date of receipt of certified copy of this order.

12. The present writ petition is allowed in the abovesaid terms.
13. Pending application(s), if any, shall also stand(s) disposed of.

23.03.2026

d.gulati

Whether speaking / reasoned :

Whether Reportable :

(DEEPINDER SINGH NALWA)

JUDGE

Yes

No

Yes

No