



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

202

LPA-2433-2017 (O&M)

Date of Decision : 09.01.2026

UNION OF INDIA AND OTHERS

.... APPELLANTS

V/S

BALWANT SINGH

.... RESPONDENT

**CORAM : HON'BLE MR. JUSTICE ASHWANI KUMAR MISHRA
HON'BLE MR. JUSTICE RAMESH CHANDER DIMRI**

Present : Mr.Jagjit Singh Lalli, Advocate
for the appellants.

Mr. Chanderhas Yadav, Advocate
for the respondent.

ASHWANI KUMAR MISHRA, J. (Oral)

1. This appeal arises out of an order dated 28.07.2017 passed by learned Single Judge in CWP No.19079 of 2014. By this order, the writ petition was allowed and consequent thereupon, termination order was set aside. The respondent is held entitled to all consequential benefits for the intervening period i.e. from 10.05.2006 to 24.05.2012.

2. In order to appreciate the controversy, it would be relevant to refer some of the relevant facts. It appears that the respondent, while in the employment of CRPF, had availed of a day's leave but remained absent for a period of 176 days. Consequently, he was terminated from service on 10.05.2006. The said order was challenged in the earlier round of litigation



before this Court in CWP No.1227 of 2008. The writ petition was disposed of vide order dated 01.06.2011, operative portion of which is reproduced :-

"Thus this contention of the petitioner is not sustainable in law. However, keeping in view the fact that the consideration of past conduct, other than the charge has weighed with the authorities for imposing the punishment and the punishment apparently seems to be harsher, particularly, in view of the illness of the daughter of the petitioner, the impugned orders are hereby set aside. The matter is remitted back to the competent authority with a direction to re-consider the award of punishment and impose lesser punishment other than the removal from service, if so desired, after affording an opportunity of being heard to the petitioner."

3. The order of the writ Court was challenged in LPA, which was dismissed. It is thereafter that a fresh order was passed on 25.05.2012 by the respondents (appellant herein), which reads as under :-

"1. Order of the office of 164 Battalion bearing No.P.8-13/05-164-Local-2 dated 10.05.2006 is hereby cancelled.

2. Force No. 903080932 Ex.Constable/GD Balwant Singh is hereby reinstated into service w.e.f. 25.05.2012 and he has been posted in the 64 Battalion from the same date i.e. 25.05.2012.

3. The termination period i.e. 10.05.2006 to 24.05.2012 (Total 2207 days) of Force No.903080932 Ex. Constable/GD Balwant Singh has been treated as "Dies Non" period. According to Rule 28 of Central Civil Service (Pension) Rules, 1972, the aforesaid period has been condoned for pension purpose according to the Government of India's decision No.1. No salary or allowances would be given to the officials for the aforesaid period.

4. Force No. 903080932 Ex. Constable/GD Balwant Singh be released all the kit goods and all the necessary documents



relating to his service be prepared."

4. The order dated 25.05.2012 was then assailed before the learned Single Judge on the ground that once the termination order had been set aside in the earlier round of litigation, the authorities were precluded from passing any order, which had the effect of denying service benefits for the period from 10.05.2006 to 24.05.2012. This claim of the respondent has been accepted by the learned Single Judge, thus, Union of India is before us.

5. Learned counsel for the appellants submits that the writ Court while allowing the claim of the respondent in the earlier round of litigation in CWP No.1227 of 2008 had clearly left it open for the authorities to pass a fresh order after reconsidering the award of punishment and impose lesser punishment other than removal from service. An opportunity of hearing was also be given in the matter. This order made it open for the authorities to impose the lesser punishment. It is not in dispute that the respondent had remained absent for 176 days. Such period of absence in a disciplined organization would deserve an appropriate punishment. In the facts of the case, we find that the appellants were reasonably fair in directing reinstatement in service and providing for part of the amount for the period of absence. Such decision of the employer could not have been held to be in teeth of the earlier order passed by the Writ Court. We are, therefore, inclined to accept the appeal of the Union of India and consequently, the order of learned Single Judge dated 28.07.2017 is set aside. The order of the authority dated 25.05.2012, as modified later, stands restored.

6. At this stage, learned counsel for the respondent states that the order dated 25.05.2012 has been further revised on 21.08.2015, whereby



additional benefits have been granted. This order has not been implemented.

7. Admittedly, there is no challenge by either of the parties to the subsequent order dated 21.08.2015. In such circumstances, we direct the appellants to ensure that all benefits which are not paid in terms of subsequent order passed by the competent authority on 21.08.2015, shall be released to the respondent within a period of three months.

8. The appeal accordingly stands disposed of.

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

(ASHWANI KUMAR MISHRA)
JUDGE

(RAMESH CHANDER DIMRI)
JUDGE

09.01.2026

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