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IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

Date of decision: 12.05.2026

1. CWP-26430-2025 (O&M)

Satbeer Singh

... Petitioner

Vs.

Punjab State Power Corporation Ltd. and others

... Respondents

2. CWP-26998-2025 (O&M)

Rakesh Kumar

... Petitioner

Vs.

Punjab State Power Corporation Ltd. and others

... Respondents

3. CWP-27795-2025 (O&M)

Ram Ditta

... Petitioner

Vs.

Punjab State Power Corporation Ltd. and others

... Respondents



CORAM: HON'BLE MR. JUSTICE HARPREET SINGH BRAR

Present: Mr. Aakash Rana, Advocate
for the petitioner (in all cases).

Mr. Gurnoor Singh Sethi, Advocate
for the respondents (in CWP-26430-2025).

Mr. Mehtab Singh Bhatti, Advocate
for the respondents (in CWP-26998-2025).

Mr. P.S. Brar, Advocate
for the respondents (in CWP-27795-2025).

HARPREET SINGH BRAR, J. (ORAL)

1. With the consent of all the parties, the aforementioned three writ petitions are taken up together and are being decided by this common judgment. However, for the sake of brevity, the facts are taken from **CWP-26430-2025**.

2. Present writ petition has been filed under Articles 226/227 of the Constitution of India for issuance of a writ in the nature of *certiorari* seeking quashing of the order dated 11.10.2024 (Annexure P-6), vide which salary and other benefits/arrears for the period from 31.12.2020 to 08.12.2022 have been denied by applying the principle of 'No Work No Pay', which is not applicable to the petitioner, as the order dated 30.12.2020 (Annexure P-1), terminating the petitioner was set aside vide order dated 02.12.2022 (Annexure P-5) passed in the statutory appeal and further to issue a writ in the nature of *mandamus* directing the respondents to release the salary and other benefits along with interest @18% *per annum* for the aforementioned period.

3. Learned counsel for the petitioner, *inter alia*, contends that the

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petitioner was appointed as Lineman on 13.10.2016 on contract basis and his services were regularized on 13.10.2019. Further, on account of theft of electricity, straightway, chargesheet was issued to the petitioner on 07.11.2019 and after conducting the enquiry, he was dismissed from service vide punishment order dated 30.12.2020 (Annexure P-1). Against the said order, the petitioner filed a statutory appeal, which, pursuant to the order dated 18.07.2022 (Annexure P-4) passed by this Court in CWP-15072-2022, directing the respondents to consider and decide the same in accordance with law, was allowed vide order dated 02.12.2022 (Annexure P-5) and the termination order dated 30.12.2020 (Annexure P-1) was set aside and his reinstatement into service was ordered. However, while deciding the statutory appeal, the appellate authority did not take any decision regarding payment of backwages/salary for the period, for which the petitioner remained out of service i.e. from 31.12.2020 till his reinstatement. Thereafter, the respondents passed the impugned order dated 11.10.2024 (Annexure P-6), whereby denying to release salary and other benefits for the period from 31.12.2020 to 08.12.2022 by applying the principle of 'No Work No Pay'. The said principle is not applicable in cases, where the employee has been kept out of service due to termination order, which was subsequently set aside in the statutory appeal. As such, the petitioner is deemed to have been in continuous service and the absence from duty cannot be termed as voluntary, but rather as a direct consequence of inaction of the respondents.

4. *Per contra*, learned counsel for the respondents, in their respective cases, reiterate the grounds taken in the impugned order dated 11.10.2024

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(Annexure P-6) and submit that a lenient view was taken against the petitioner(s) and they have been given the benefit of doubt. The reinstatement of the petitioners would not amount to automatic payment of backwages and it depends on the facts and circumstances of each case, as in the present case, they were alleged to have committed theft of electricity. As such, they are not entitled to salary, for the period, during which they remained out of service after their dismissal.

5. Having heard learned counsel for the parties and after perusing the record of the case file with their able assistance, it transpires that the disciplinary proceedings were initiated against all the petitioners on 07.11.2019 and punishment order (Annexure P-1) was passed on 30.12.2020, terminating their services. Thereafter, the statutory appeal filed by them on 05.01.2021 (Annexure P-2) was allowed vide order dated 02.12.2022 (Annexure P-5) setting aside the termination order (Annexure P-1) and directed their reinstatement. As such, once the termination order was held to be illegal and unsustainable, denial of arrears of salary for the intervening period amounts to perpetuating the illegality and would also unnecessarily cause undue hardship to the petitioners.

6. Reliance is placed upon the judgments rendered by the Hon'ble Supreme Court in ***Ramesh Kumar Vs. Union of India and others, (2015) 14 SCC 335, Union of India and others Vs. K.V. Jankiraman and others, (1991) 4 SCC 109, Deepali Gundu Surwase Vs. Kranti Junior Adhyapak Mahavidyalaya (D.Ed) and others*** passed in ***Civil Appeal No.6767 of 2013 (arising out of SLP(C) No.6778 of 2012)***, decided on 12.08.2013 and the Calcutta High Court's

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ruling in *FMA No.1235 of 2024* titled as *Padmavathi Sakkinala Vs. The State of West Bengal and others*, decided on 25.02.2025, whereby it has been categorically held that the principle of 'No Work, No Pay' does not apply, when an employee's appointment or promotion is delayed due to the fault of the department, especially where the employee is willing to work, but is prevented from doing so by the employer. As such, the petitioners are held entitled to salary/backwages for the intervening period of their dismissal and reinstatement.

7. In view of the discussion above, all the aforementioned three writ petitions are allowed and the impugned order dated 11.10.2024 (Annexure P-6) is hereby set aside. The respondents are directed to release the salary and others benefits of the petitioners for the period from 31.12.2020 to 08.12.2022 along with interest @6% *per annum* within a period of three months from the date of receipt of certified copy of this order.

8. The pending miscellaneous application(s), if any, shall stand disposed of.

9. Photocopy of this order be placed on the files of connected cases.

[HARPREET SINGH BRAR]
JUDGE

12.05.2026
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Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No