



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

**CWP No. 9720-1999(O&M)
Date of Decision: 07.05.2025**

Pirithi Singh

....Petitioner

vs.

State of Haryana and others

....Respondents

CORAM: HON'BLE MR. JUSTICE JAGMOHAN BANSAL

Present: Mr. Jangjit Singh Dahiya, Advocate
Mr. Phool Kumar, Advocate
for the petitioner
Mr. Raman Sharma, Addl. A.G., Haryana
Mr. Padam Kant Dwivedi, Advocate
for respondent No. 3

JAGMOHAN BANSAL, J. (ORAL)

1. The petitioner through instant petition under Articles 226/227 of the Constitution of India is seeking setting aside of:

- I. Resolution dated 28.10.1997 whereby he was dismissed from service, and
- II. Order dated 24.11.1998 whereby Deputy Registrar, Cooperative Societies dismissed his appeal.

He is further seeking direction to respondents to reinstate him and grant all consequential service benefits.

2. The petitioner joined Dohana Khera Cooperative Credit and Service Society-respondent No. 3 as Clerk. He was embroiled in FIR No. 155 dated 29.09.1990, under Sections 323/325/34 of IPC, registered at Police Station Unchana. He was awarded punishment of imprisonment of



one year by trial Court. He preferred appeal before Appellate Court. Learned Additional Sessions Judge, Jind vide judgment dated 10.07.1998 ordered to release him on probation. Despite release on probation, the respondent did not reinstate him.

3. Mr. Jangjit Singh Dahiya, Advocate submits that in view of order dated 15.11.2025 passed by this Court in **CWP No. 18630 of 2013**, titled as **“Sham Lal Gupta vs. State of Haryana and others”** and order dated 08.08.2018 passed in **CWP No. 22868 of 2016**, titled as **“Ram Niwas vs. State of Haryana and others”**, the petitioner deserves to be reinstated because he was released on probation by Appellate Court. As per provisions of the Probation of Offenders Act, 1958, the judgment of conviction does not affect his service career.

4. Per contra, Mr. Padam Kant Dwivedi, Advocate submits that petitioner worked with respondent for not more than six years. He was holding post of Clerk and respondent is a small Cooperative Society. He was dismissed in 1997 and at this belated stage, it would not be appropriate to reinstate him. Hon’ble Supreme Court time and again has held that in such cases Court may grant compensation instead of reinstatement.

5. I have heard learned counsel for the parties and perused the record with their able assistance.

6. In **Senior Superintendent Telegraph (Traffic), Bhopal vs. Santosh Kumar Seal and others, (2010) 6 SCC 773; Hari Nandan Prasad and another vs. Employer I/R to Management of Food Corporation of India and another, (2014) 7 SCC 190; District Development Officer and another vs. Satish Kantilal Amrelia, (2018) 12 SCC 298; State of Uttarakhand and another vs. Raj Kumar, (2019) 14**



SCC 353 and Ranbir Singh vs. Executive Engineer PWD (2021) 14 SCC 815, Supreme Court has held that it is neither mandatory nor automatic to reinstate workman who has been retrenched without complying with provisions of Section 25F of Industrial Disputes Act, 1947 (“I.D. Act”). He may be granted compensation.

7. In the case in hand, the petitioner was not retrenched in terms of provisions of the Factories Act, 1948 or the I.D.Act whereas he was dismissed on account of registration of FIR against him as well as conviction by trial Court. He was released on probation, thus, as per judgments of this Court in **Sham Lal Gupta (supra)** and **Ram Niwas (supra)**, the respondent was duty bound to reinstate him. A period of almost three decades has passed away since the date of his dismissal from service, thus, at this stage, it would not be just and proper to reinstate him, however, he deserves lump sum compensation.

8. Taking a cue from the afore-cited judgments, this Court finds it appropriate to direct respondent No. 3 to pay a sum of Rs. 5,00,000/- as lump sum compensation to the petitioner.

9. Petition stands disposed of in the above-said terms.

10. The needful shall be done within three months from today. The respondent shall be eligible to pay interest @ 9% per annum on the expiry of aforesaid period.

11. Pending Misc. application(s), if any, shall stand disposed of.

(JAGMOHAN BANSAL)
JUDGE

07.05.2025
paramjit

Whether speaking/reasoned:	Yes	
Whether reportable:		No