



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

CWP-6189-2018

Date of Decision: 16.09.2025

Nand Kishore Since Deceased Through LRs ...Petitioner

Versus

State of Haryana and Others Respondents

CORAM:- HON'BLE MR. JUSTICE JAGMOHAN BANSAL

Present:- Mr. Kulbir Singh Sekhon, Advocate for the petitioner.

Mr. Ravi Partap Singh, DAG, Haryana.

JAGMOHAN BANSAL, J. (ORAL)

1. The petitioner through instant petition under Articles 226/227 of the Constitution of India is seeking setting aside of order dated 19.11.2013 to the extent he has been denied salary for the period he remained out of service.

2. The petitioner was implicated in FIR No.122 dated 20.02.2009 registered under Sections 323, 341, 294 and 384 IPC at Police Station City Yamuna Nagar. He was subjected to trial. He came to be acquitted vide judgment dated 03.05.2010 passed by learned Chief Judicial Magistrate, Yamuna Nagar at Jagadhari. There were two accused in the FIR. Both were subjected to departmental proceedings. Both were dismissed from service. The respondent taking lenient view reinstated Exemptee Head Constable Jai Pal whereas petitioner was subjected to punishment of dismissal from service and order of disciplinary authority was upheld by Director General of Police (**DGP**). He preferred **CWP No.9985 of 2012** before this Court which came to be disposed of

with a direction to respondent to consider petitioner's case in the light of order of co-accused Jai Pal. The respondent vide order dated 19.11.2013 ordered to reinstate the petitioner, however, awarded him punishment of forfeiture of five increments with permanent effect.

3. Learned counsel representing the petitioner submits that petitioner is entitled to at least 50% of salary from the date of acquittal to date of reinstatement. His claim is squarely covered by order dated 10.02.2025 passed by this Court in ***CWP No.2482 of 2025*** titled as '***Sukhbeeg Singh Versus State of Punjab and Others***' and order dated 22.08.2025 titled as ***CWP No.25762 of 2018*** titled as '***Subhash Kumar Versus State of Haryana and Another***'.

4. Learned State counsel submits that in view of principle of no work no pay, the petitioner is not entitled to back wages.

5. On being confronted with aforesaid orders, learned State counsel expressed his inability to controvert applicability of said orders to the instant case.

6. Case of petitioner is squarely covered by aforesaid orders of this Court. Accordingly, the instant petition stands ***disposed of*** in terms of aforesaid orders. The respondent shall release back wages as per aforesaid orders without interest within three months from today failing which it would be liable to pay interest @ 9% from the expiry of said period.

(JAGMOHAN BANSAL)
JUDGE

16.09.2025

Prince Chawla

Whether Speaking/reasoned	Yes/No
Whether Reportable	Yes/No