



209

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

CWP-11589-2021

Date of Decision: 08.01.2026

Bal Krishan

...Petitioner

Versus

State of Haryana and Others

...Respondents

CORAM: HON'BLE MR. JAGMOHAN BANSAL.

Present:- Mr. Yesh Paul Malik, Advocate with
Mr. Ankur Malik, Advocate and
Mr. Kuldeep Singh Ahluwalia, Advocate for petitioner

Mr. Ravi Pratap Singh, D.A.G., 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 26.06.2020 to the extent he has been denied financial benefits on the principle of 'No Work No Pay'.

2. Mr. Kuldeep Singh Ahluwalia, Advocate has appeared and filed Power of Attorney on behalf of petitioner. The same is taken on record. Registry is directed to tag the same at an appropriate place.

3. The petitioner belongs to Haryana Police. He was implicated in FIR No.313 dated 01.08.2005 under Sections 420, 506 & 120-B IPC. He was placed under suspension w.e.f. 23.03.2006. He was granted anticipatory bail vide order dated 13.09.2005 passed by this Court. His suspension was revoked on 20.04.2006. He faced trial and came to be convicted vide judgement dated



28.07.2014 passed by trial Court. He unsuccessfully preferred appeal before Appellate Court. He preferred Criminal Revision No.2409 of 2014 before this Court which was allowed vide order dated 07.02.2020 on the ground of compromise. The judgment of conviction was set aside. The petitioner was dismissed from service the moment he was convicted by trial Court. No departmental inquiry was conducted. He filed representation seeking reinstatement. The respondent vide order dated 26.06.2020 reinstated him, however, denied financial benefits on the principle of 'No Work No Pay'.

4. Learned counsel for the petitioner submits that petitioner was dismissed from service without conducting inquiry. He was convicted in a pure civil dispute. He was acquitted by this Court, thus, respondent was bound to reinstate him with back wages as well as benefit of continuity of service.

5. *Per contra*, learned State counsel submits that petitioner was convicted by trial Court and his appeal was dismissed by Appellate Court. He was acquitted by this Court on the basis of compromise. The respondent taking lenient view reinstated him. No inquiry was warranted because he was convicted by trial Court. There is no question of financial benefits for the period petitioner remained out of service.

6. Heard the arguments and perused the record.

7. From perusal of record, it is evident that petitioner was convicted by trial Court and his appeal was dismissed by Appellate Court. He was dismissed from service because of judgment of conviction. As he was convicted by trial Court, department was not supposed to conduct regular departmental inquiry. He was liable to be dismissed on account of conviction by trial Court. He was convicted under Section 420 of IPC. This Court while adjudicating instant petition cannot comment upon judgment of conviction. Once petitioner



was convicted under Section 420 IPC, it cannot be opined by this Court that petitioner was wrongly convicted under Section 420 IPC for a civil dispute. This Court cannot sit over judgment of conviction recorded by trial Court and upheld by Appellate Court. He was acquitted by this Court on the ground of compromise. The respondent taking lenient view reinstated him. There was no fault on the part of respondent, thus, there is no infirmity in the impugned order to the extent of denial of back wages. There is nothing in the impugned order about continuity of service. This aspect was required to be considered by authorities.

8. Learned State counsel during the course of hearing conceded that question of counting of dismissal period in the length of service would be considered by Deputy General of Police in accordance with law.

9. In the wake of statement of learned State counsel, petition stands disposed of with a direction to Director General of Police to consider claim of petitioner qua counting of dismissal period in length of service. Let the needful be done within three months from today.

(JAGMOHAN BANSAL)
JUDGE

08.01.2026
SDK

Whether speaking/reasoned	Yes/No
Whether reportable	Yes/No