

Harminder Singh and Others

Vs

State of Punjab and Others

Writ Petition Nos. 9032, 9257-60 of 1983

Devinder Singh and Others

Vs

State of Punjab

Special Leave Petition Nos. 11459-60 of 1983

(A. N. Sen, R. S. Pathak JJ)

25.11.1983

ORDER

1. Petitioners in each of these petitions were members of the police force in the State of Punjab belonging to various ranks in the police force. They were dismissed from service on the grounds that they had participated in an agitation which was impermissible under the rules governing discipline in the police force of Punjab. Large number of persons similarly situated filed writ petitions in the High Court of Punjab and Haryana at Chandigarh and after the writ petitions were dismissed, they preferred appeals by special leave. This Court examined that case in Civil Appeal Nos. 3183-3184 of 1983 - Sengara Singh v. State of Punjab ((1983) 4 SCC 225 : 1983 SCC (L&S) 519) - and rendered decision on August 2, 1983.

2. At the hearing of these petitions, Mr P. R. Mridul, learned counsel who appeared for the respondents urged that the State of Punjab had filed a review petition against the decision of this Court in Sengara Singh case ((1983) 4 SCC 225 : 1983 SCC (L&S) 519) rendered on August 2, 1983. It was further submitted that therefore, this Court should examine afresh the contentions which the State of Punjab would like to advance in the present petitions. An enquiry revealed that the review petition has already been rejected. It was not possible for Mr Mridul to distinguish the case of the present petitioners from those whose cases were dealt with in the aforementioned judgment by this Court. As a necessary corollary, the same result must follow. Accordingly, these petitions succeed. The State of Punjab is directed to reinstate the petitioners subject to the same conditions to which the other dismissed personnel of the police force of Punjab were directed to be reinstated forthwith. Their services would be treated as continuous and the period between termination of service and reinstatement shall be treated as if they were on leave, if leave was admissible and available or leave without pay if any other kind of leave is not available. If leave is admissible to them, they should be paid salary but no other back wages are to be paid to them. For all other purposes, their services should be treated as continuous. There will be no orders as to costs of the hearing in this Court.

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