



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

**LPA-1133-2026 (O&M)
Date of Decision:24.04.2026**

RAJBIR SINGH

....APPELLANT(S)

VERSUS

NATIONAL FERTILIZERS LTD AND OTHERS

....RESPONDENT(S)

**CORAM:- HON'BLE MR. JUSTICE ASHWANI KUMAR MISHRA
HON'BLE MR. JUSTICE ROHIT KAPOOR**

Present: Mr. Sandeep S. Majithia, Advocate
for the appellant.

ASHWANI KUMAR MISHRA, J. (Oral)

1. This appeal arises out of a judgment of the learned Single Judge refusing to interfere with the decision of the employer in denying salary to the appellant for the period 15.03.2016 to 18.12.2019.

2. The appellant herein was implicated in an offence under Section 302 IPC. Ultimately, it led to his conviction and sentenced by the Court of Sessions on 15.03.2016. The appellant was put behind the bars. After few months, he was released on bail. The appeal, ultimately, came to be heard and was allowed on 24.09.2019. The appellant, thereafter, approached the authorities with a prayer to reinstate him. The prayer for reinstatement has been allowed and he has been put back in service on 18.12.2019. The issue before the learned Single Judge was '*as to whether the appellant is entitled to salary for the period 15.03.2016 to 18.12.2019*'.

3. The learned Single Judge has rejected the claim of appellant for salary for such period relying upon the principle of "*no work, no pay*"



by observing as under:-

“16. The petitioner’s plea that, after acquittal, he must be placed in the same financial position as if he had never been dismissed, cannot be accepted in the teeth of the above principles. As the Supreme Court and various High Courts have emphasised, back wages are not a matter of course but depend on factors like the nature of charges, duration of non-employment, financial burden on the employer, and whether the employer was responsible for keeping the employee out of work. Here, the respondents did not fabricate charges, did not prolong the criminal process, and did not delay reinstatement after acquittal. They merely acted on a life-sentence conviction and, upon its reversal, restored the petitioner to service. In such circumstances, and guided by the ratio of Corp. Mithilesh Kumar, denial of back wages for 15.03.2016 to 18.12.2019, coupled with continuity of service and reinstatement, cannot be said to be arbitrary or illegal. The challenge to treating this intervening period as “dies non” is, therefore, devoid of merit.”

4. Learned counsel for the appellant submits that even though benefit of continuity in service had been granted yet consequential benefits has not been extended to him.

5. We do not find any conscious decision by the employer with regard to the facts which would enure to the appellant once the relief of continuity in service has been allowed. To that extent, we deem it appropriate to provide that the appellant shall be at liberty to approach the employer for passing appropriate orders in respect of his grievance relating to the denial of consequential benefits pursuant to the continuity in service granted to him. If such a claim is raised, the same shall be dealt



with within a period of **three months** thereafter.

6. Subject to the above modification, we find the reasoning assigned by the learned Single Judge to be well-founded and we are in agreement with it.

7. The judgment of the learned Single Judge, insofar as it denies back wages, does not warrant any interference.

8. In view of the above, the instant appeal is **disposed of**.

9. All pending misc. application(s), if any, also stand disposed of.

**[ASHWANI KUMAR MISHRA]
JUDGE**

**[ROHIT KAPOOR]
JUDGE**

APRIL 24, 2026

Rahul Joshi

1. Whether Speaking/reasoned	Yes/No
2. Whether Reportable	Yes/No