

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

245

Civil Writ Petition No.20466 of 2016

Date of Decision: May 31st, 2017

Jagdish Raj and another

...Petitioners

Versus

State of Punjab and others

...Respondents

CORAM: HON'BLE MR. JUSTICE AUGUSTINE GEORGE MASIH

Present: Mr. Anupam Bhardwaj, Advocate
for the petitioners.

Mr. Harkesh Manuja, Additional Advocate General, Punjab.

AUGUSTINE GEORGE MASIH, J. (ORAL)

Petitioner has approached this Court alleging discrimination with regard to the treatment meted out to the petitioner vis-a-vis the other similarly situated employees who were also involved in the same FIR as in the case of the petitioners and were dismissed from service but on an appeal preferred by them, they have been reinstated. Challenge has also been posed to the order by which they have been dismissed from service invoking the provisions of Clause-B of 2nd proviso to Article 311 (2) of the Constitution of India dispensing with the holding of an inquiry against the petitioners.

This factual assertion as made in the writ petition has not been contradicted by the State in the reply which has been filed.

Keeping in view the above facts and circumstances, the principle of parity having been violated by the respondents, petitioners are directed to be reinstated in service in same terms as Kamal Nain, Dilbag Singh and Rupinderjit Singh, who admittedly have been so reinstated and were similarly placed as the petitioners against whom the trial is still going on. The impugned order is, therefore, set aside and the petitioners are ordered to be reinstated in service forthwith in above terms.

May 31st, 2017

Puneet

**(AUGUSTINE GEORGE MASIH)
JUDGE**

Whether speaking/reasoned:

Yes/No

Whether Reportable:

Yes/No