

**IN THE HIGH COURT OF HIMACHAL PRADESH
AT SHIMLA**

CWPOA No.1874 of 2019
Decided on: 07.09.2026.

Kishan Chand ...Petitioner

Versus

State of Himachal Pradesh ...Respondents
& Others

Coram:

Hon'ble Mr. Justice Ranjan Sharma, Judge

¹*Whether approved for reporting?. Yes.*

For the petitioner: Mr. Jai Ram Sharma,
Advocate.

For the respondents: Mr. Sumit Sharma, Deputy
Advocate General.

Ranjan Sharma, Judge

Petitioner, Kishan Chand, filed CWP No. 9609 of 2012 and after establishment of Learned State Administrative Tribunal, the instant matter was transferred to the said Tribunal; and now upon its abolition, the same has been re-transferred to this Court, as *CWPOA No.1874 of 2019*, seeking the following relief(s):-

- “(i). That the impugned order dated 20.06.2008 passed by the Executive Engineer IPH Division Salooni, District Chamba, H.P. whereby the penalty of dismissal from

¹ *Whether reporters of Local Papers may be allowed to see the judgment?*

service was imposed upon the petitioner vide Annexure P-4 and order dated 22.03.2011 passed by the respondent No.3 whereby he has confirmed the order dated 20.06.2008 vide annexure P-7 may kindly be quashed and set aside.

- (ii). That the respondents may kindly be directed to reinstate the services of the petitioner from due date with all the consequential benefits in view of the judgment dated 31.10.2011 passed by the learned Judicial Magistrate 1st Class, Dalhousie, District Chamba, H.P. in the interest of justice and fair play.”

FACTUAL MATRIX:

2. Case, as set up, by Learned Counsel is that petitioner was engaged as a Beldar on daily wage basis in 1987; and *he was regularized in 1999*. On regularization, petitioner disclosed his date of birth to be 15.08.1957 [*Annexure P-1*]. It is averred that when he was working on regular basis one Shri Jaram Singh, who had inimical relations towards the petitioner submitted a complaint alleging grave discrepancy in date

of birth disclosed to the department. It is averred that the petitioner was issued a show-cause notice on 16.05.2003 and thereafter the departmental proceedings were initiated against the petitioner on 28.11.2003 and though the inquiry was conducted in undue haste yet penalty of the dismissal was imposed against him on 20.06.2008 [*Annexure P-4*].

2(i). Feeling aggrieved against the dismissal orders 20.06.2008 [*Annexure P-4*], the petitioner filed a CWP (T) No.1707 of 2008 titled Kishan Chand versus State of Himachal Pradesh, directing the petitioner to file an appeal with further directions to the Appellate Authority to decide the same by way of a speaking order on merits. It is averred that the petitioner submitted an appeal to Superintending Engineer, IPH Circle Chamba on 17.11.2010 [*Annexure P-6*] and the Appellate Authority dismissed the appeal on 22.03.2011, [*Annexure P-7*].

2(ii). It is further averred that an FIR No.36 of 2002 was registered on 26.11.2002 for offences

under Sections 420, 468, and 471 of Indian Penal Code, was registered against the petitioner in Police Station Khairi, District Chamba and pursuant to registration of FIR, the accusation was put to trial, which resulted in acquittal by Learned Judicial Magistrate 1st Class, Dalhousie on 31.10.2011 *[Annexure P-8]*. In these circumstances, it is prayed that once the petitioner stands acquitted in the Criminal Case, therefore, the initiation of disciplinary proceedings, including the order of penalty dated 20.06.2008 *[Annexure P-4]*, and the order dated 22.03.2011 *[Annexure P-7]* rejecting the appeal were unsustainable, with the prayer to reinstate the petitioner in service with all consequential benefits.

**STAND OF STATE AUTHORITIES IN REPLY
AFFIDAVIT:**

3. State Authorities have filed the Reply-Affidavit dated 14.02.2013 of Superintending Engineer, IPH Circle Chamba.

3(i). Para 3 of Reply-Affidavit indicates that the petitioner joined as a daily wager in January

1988 and factum of his regularization in 1999 is admitted being matter of records. It is averred that the petitioner submitted date of birth certificate, mentioning his date of birth to be 15.08.1957, as in Muster Roll [*Annexure R-3*]. It is averred that a complaint was received from one Shri Jaram Singh dated 6/8.10.2007 [*Annexure R-4*] alleging that the date of birth-age certificate was tampered by converting it to 15.08.1957 from 1947. It is averred that in view of the complaint and the allegation, an FIR No. 36 of 2002 dated 26.11.2002 was registered under Section 420, 468, and 471 of the Indian Penal Code in Police Station Khairi, and upon trial, the matter was decided by the Competent Court.

3(ii). Reply-Affidavit indicates that Memorandum of Charges was issued on 28.11.2003 and the Inquiry Officer was appointed. During inquiry, the charge(s) was duly proved as date of birth-age of her younger sister, Ratto Devi, was 1955 [*Annexure R-5*] and therefore, date of birth of the petitioner reflected by 15.08-1957 was false

and erroneous. Reply-Affidavit indicates that the Inquiry Officer conducted the proceedings in accordance with the Rules, and the penalty of dismissal was imposed against the petitioner on 20.06.2008 [*Annexure P-4*] after following the due procedure as per Rules. Reply-Affidavit indicates that Appellate Authority dismissed the appeal by passing a speaking order on 22.03.2011 [*Annexure R-2*]. In paragraph 8(iv) of Reply-Affidavit, the State Authorities have stated that the acquittal of the petitioner in Criminal Case, vide judgment dated 31.10.2011 [*Annexure P-8*] by giving benefit of doubt, and since it was not an honorable acquittal, therefore, the petitioner can neither claim reinstatement nor derive any benefit from the judgment of acquittal, by giving benefit of doubt.

NO REBUTTAL BY PETITIONER:

4. Petitioner has chosen not to file a rejoinder so as to controvert the stand in the Reply-Affidavit.

5. Heard Mr. Jai Ram Sharma, Learned

Counsel for the petitioner and Mr. Sumit Sharma, Learned Deputy Advocate General for the respondents.

ANALYSIS:

6. Taking into account the entirety of facts and circumstances and the material on record, this Court is of the considered view that the dismissal orders dated 20.06.2008 [Annexure P-4] and the Appellate Orders dated 22.03.2011 dismissing the appeal by upholding the dismissal, does not suffer from any infirmity, or illegality, *for the following reasons:*

PLEA FOR REINSTATEMENT ON MERE LENGTH OF SERVICE UNTENABLE:

6(i). Petitioner has challenged the dismissal and the Appellate Orders rejecting the appeal on the ground that petitioner had served the department for more than 20 years,

The above plea cannot be of any assistance to the petitioner, in view of the fact, that the charge of tampering his date of birth, by submitting a false certificate regarding his date of birth to be 15.08.1957, was duly proved during

the departmental inquiry as the date of birth-age of younger sister of the petitioner as per records was 1955 [Annexure R-5]. Mere length of service shall not confer any enforceable right on the petitioner when, the charges were duly proved in the disciplinary proceedings.

PLEA THAT COMPLAINT CANNOT FORM BASIS OF DISMISSAL-UNTENABLE:

6(ii). Second contention of Learned Counsel for the petitioner is that the complaint submitted by Jarm Singh could not have been made the basis for passing the dismissal orders.

The above contention does not hold good, for the reason, that once the complaint submitted by aforesaid Jaram Singh alleging tampering and submission of false date of birth-age by the petitioner was duly inquired by departmental authorities, upon initiation of disciplinary proceedings on 28.11.2003 [Annexure P-3], wherein, charges were duly proved, and after proof of charges, the dismissal order was passed on 20.06.2008. Even otherwise, the allegation originating from complaint of one Shri Jaram Singh led to registration of FIR

No.36 of 2002 on 26.11.2002 under Sections 420, 468, and 471. The accusation of incorrect date of birth-age was duly proved during the trial. Perusal of Learned Trial Court judgement dated 31.10.2011 [Annexure P-8] and deposition of PW-6 Jaram Singh establishes that in Pariwar Register, the date of birth-age of the petitioner, Kishan Chand, was 1947. Aforesaid PW has further deposed that on visiting Gram Panchayat Ohra, Sub-Tehsil Bhalei, Tehsil Salooni, District Chamba, in September 2000, he noticed the date of birth of the petitioner-Kishan Chand to have been changed from 1947 to 15.5.1957. Even, PW-13, Shri Visheshwar Sharma, Scientific Officer, FSL Junga, Shimla had deposed that the date of birth of the petitioner was 1947. Learned Trial Court had recorded findings, in paragraph 23 of the judgement that overwriting on years of date of birth of the petitioner in Pariwar Register was duly proved, with a specific finding that the alteration or overwriting in date of birth-age of the petitioner has been made from 1947 to 1957. Moreover, PW-17, Secretary

of Gram Panchayat Ohra deposed that at the time when he took the charge, overwriting in date of birth of the petitioner already existed. Even, nothing cogent and concrete has been placed on record, either during departmental proceedings or even before this Court, by the petitioner to establish that the disclosed date of birth-age [15.08.1957] was the sole, correct and true date of birth of the petitioner. To the contrary, once the true and correct date of birth of the petitioner has been shown to be 1947 during departmental inquiry vis-à-vis the date of birth-age shows/disclosed to be 15.08.1957 as per Annexure P-1 [Birth Certificate], therefore, this Court sees no reason, to show indulgence, in instant case. Moreover, the petitioner has not been able to establish the violation of any rules or the principles of natural justice.

In this backdrop, once the charge was duly proved during departmental inquiry and the findings recorded by Inquiry Officer were duly accepted by Disciplinary Authority, leading to

the passing of dismissal orders on 20.06.2008 [Annexure P-4], therefore, the Inquiry, Inquiry Report and resultant dismissal orders dated 20.06.2008 and the orders dismissing the appeal on 22.03.2011 [Annexure P-7], do not suffer from any infirmity or illegality.

**CHALLENGE TO PENALTY OF DISMISSAL UPON
PROOF OF CHARGES IN DEPARTMENTAL
PROCEEDINGS/INQUIRY IMPERMISSIBLE:**

6(iv). Impugned Order dated 20.06.2008 [Annexure P-4] dismissing the petitioner from service, upon proof of charges in departmental proceedings do not suffer from any infirmity. Petitioner has not been able to establish that the inquiry was not held by the competent authority. Material on record indicates that the departmental proceedings were held in accordance with the procedure prescribed under Rule 14 of the CCS (CCA) Rules. Nothing has been shown by the petitioner that the principles of natural justice have been violated. Even otherwise, nothing has been placed on record to show that authorities were either influenced by irrelevant or extraneous

considerations or the decision was arbitrary and capricious. Upon query by this Court, Learned Counsel for the petitioner is unable to establish that inadmissible material or evidence was made the basis for passing the Impugned Order of dismissal. Even Inquiry Report dated 16.06.2007 [Annexure P-3] establishes that sufficient material existed before Inquiry Officer, which led to proof of charges against the petitioner. Based on entries contained in Pariwar Register of Gram Panchayat, glaring discrepancy, tampering and overwriting in date of birth to be 15.05.1957 was duly proved, *for the reason* that the date of birth of his younger sister, Ratto Devi was 1955 [Annexure R-5]. Once the younger sister was born in 1955, then, the date of petitioner, being elder shown to be 15.08.1957 turns out to be incorrect and false, being tampered/over written and/or altered.

CHALLENGE TO DISMISSAL BASED ON DUE INQUIRY AND PROOF OF CHARGES ON EVIDENCE-UNTENABLE:

6(v). Upon analysis of the documents, led during

inquiry, once the charge stands duly proved in inquiry after following the procedure prescribed under the CCS (CCA) Rules and after affording reasonably opportunity to the petitioner to defend himself, in inquiry therefore, by applying the principles mandated by the Hon'ble Supreme Court in **Union of India and Others v. P. Gunasekaran, 2015 2 SCC 610 [Para 12]**, this Court, sees no reason, to show indulgence, against the disciplinary proceedings or the inquiry or the inquiry report and dismissal orders dated 20.06.2008 [*Annexure P-4*]. Even the Appellate Order passed by the Respondent No.3-Superintending Engineer, on 22.03.2011 [*Annexure P-7*] after considering the material adduced during inquiry and after giving a personal hearing to the petitioner on 15.02.2011 [Page 40 of paper book] does not suffer from any infirmity or illegality.

Resultantly, the claim of the petitioner for reinstatement, after setting aside the dismissal orders and the orders rejecting the appeal, do not impress this Court, and therefore, the claim

is turned down.

**CLAIM FOR AUTOMATIC REINSTATEMENT
UPON ACQUITTAL ON BENEFIT OF DOUBT
IMPERMISSIBLE:**

7. Learned counsel for the petitioner has contended that once the petitioner stands acquitted in Criminal Case on 31.10.2011 [*Annexure P-8*] therefore, the Impugned Order of dismissal needs to be set aside, and the petitioner may be reinstated in service.

The above claim is untenable, *for the reason*, that the judgement passed by Learned Trial Court on 31.10.2011 [*Annexure P-8*] establishes the accusation, originating from FIR No.36 of 2012 dated 26.11.2012, made against the petitioner [Kishan Chand] and his brother [Gorkhu Ram] even though both of them were acquitted by giving benefit of doubt. Evidence led during the trial, as discussed in Paragraphs 6(iii) of this judgement establishes that the age-date of birth certificate Annexure P-1, discloses his age to be 15.08.1957 was incorrect, false, tampered, over-written and altered *where* his younger sister was

born in 1955 [Annexure R-5]. The acquittal of the petitioner by giving benefit of doubt, is not an honourable acquittal. The standard of proof in criminal case is beyond all reasonable doubts whereas the proof of charges in disciplinary proceedings is based on preponderance of probabilities. Perusal of the judgment passed by Learned Trial Court on 31.10.2011 [Annexure P-8] nowhere records a definite finding that the petitioner had not committed any offence or he was falsely implicated so as to be categorized as “honourably acquitted.” In absence of findings of “honourable acquitted” i.e petitioner had not committed the offence. Acquittal on technical grounds or lacunae in prosecution case or leading evidence or now availability of credible evidence against the petitioner cannot be equated with honourable acquittal. Acquittal on benefit of doubt, does not eradicate or erase or wipe out the accusation on merits, for all purposes altogether including the claim for public employment even though an acquittal on benefit of doubt gives a clean chit for

technical reasons; but without giving an automative approval or right or certification of suitability or fitness for a post. Accordingly, claim for reinstatement is turned down.

7(i). Mere acquittal on benefit of doubt does not ipso facto any enforceable right for reinstatement in service in view of the mandate of the Hon'ble Supreme Court in the case of **Imtiyaz Ahmad Malla versus State of Jammu and Kashmir and Others (2023) 19 SCC 588**, in following terms:

“11. The expression “honourable acquittal” had also come up for consideration in other cases namely, Management of Reserve Bank of India, New Delhi Vs. Bhopal Singh Panchal ; and in R.P. Kapur Vs. Union of India and Another whereby it was held inter alia that the mere acquittal does not entitle an employee to the reinstatement in service. The acquittal, it was held, has to be honourable. As such, the expressions “honourable acquittal”, “acquitted of blame”, “fully exonerated” are unknown to the Code of Criminal Procedure or the Penal Code, and it is difficult to define precisely what is meant by expressions “honourable acquittal.”

7(ii). Similarly, the Hon'ble Supreme Court in

**State of Madhya Pradesh and Others versus
Raj Kumar Yadav [2026 SCC OnLine SC 362,**
held as under:-

“5.2 The concept of “honourably acquitted”, often becomes hazy. This court on several occasions observed that the expressions “honourable acquittal”, “acquittal of blame”, “fully acquitted” are unknown to the Criminal Procedure Code, 1973 or the Penal Code, 1860. These phrases are coined in the judicial pronouncements.

5.2.1. An **honourable acquittal** may be one where court comes to a definitive conclusion at the end of the trial upon full-fledged appreciation of evidence that **the accused had not committed an offence for which he was charged.** This would stand in sharp contrast against arriving at a finding that because of some lacuna in the prosecution case or in the leading the evidence or on account of non- availability of credible evidence, **the offender is not convicted by giving him the benefit of doubt.** In such eventualities, the yardstick known to the criminal jurisprudence is applied namely that the offence has to be proved beyond reasonable doubt.

5.2.2. A simple example would explain the nicety of the **distinction between an honourable acquittal and the acquittal other than honourable.** In a given case, say a person is charged for committing misappropriation of money. After trying the accused for the offence, if the court comes to a clear

conclusion that the person has not committed misappropriation and has not defalcated money, it amounts to a clean chit in respect to the offence. It is suggestive of the factum that the misappropriation was not done. However, **if the court holds that charge of misappropriation is not proved on the account of weak prosecution case or weak evidence and therefore it is not possible to conclusively record finding about the commission of offence, the acquittal which may follow in such circumstances cannot be said to be an honourable acquittal.**

5.2.3. **The acquittal founded on benefit of doubt is an acquittal based on technical ground. Giving benefit of doubt and thus not convicting the offender is a technical consideration applied. The acquittal for the respondent was governed by such criteria.**

5.5. In Union Territory, Chandigarh Administration v. Kumar, the respondents were declared successful in the recruitment for the post of constable in Chandigarh Police after clearing the physical efficiency test, physical measurement test, written test and interview. The respondents were prosecuted in criminal trial for the offences under Sections 323, 506 read with Section 34, Penal Code, 1860 and were acquitted by the trial court. When the matter was referred to the screening committee as per the recruitment guidelines, the screening committee found that the respondents were not suitable for appointment as constables.

5.5.2. The **following principles** came to enunciated by this court,

- (a) The acquittal in a criminal case is not conclusive of the suitability of the candidates in respect of the post concerned. Even if a person is acquitted or discharged, it cannot always be inferred that he was falsely involved or he had no criminal antecedents.
- (b) Acquittal in a criminal case does not automatically entitle a candidate for appointment to the post. Still, it is open to the employer to consider the antecedents and examine whether the person is suitable for appointment to the post.
- (c) In a case where the employee has made declaration truthfully of a concluded criminal case, the employer still has the right to consider antecedents and cannot be compelled to appoint the candidate.

5.7. The law is also well settled that even the departmental enquiry can proceed independent of the acquittal in criminal case and that **mere exoneration in criminal case would not entitle an employee to be reinstated as a necessary sequitur to the acquittal.** In *Management of Reserve Bank of India, New Delhi v. Bhopal Singh Panchal*, this Court held that when the High Court acquitted the respondent employee by giving benefit of doubt, **the bank rightly refused to reinstate him in service on the ground**

that it was not an honourable acquittal.

Further, the criminal antecedents of an employee and the nature of his acquittal is considered germane to be applied by the employer even while determining the entitlement of pay and allowance for the period concerned to the employee or for treating the period of suspension on duty.”

ROLE OF CO-ACCUSED BROTHER [GORKHU RAM] LEADING TO DISMISSAL ENTAILS PARITY QUA PETITIONER:

8. Learned State Counsel submits that the accusation in Criminal Case, which led to passing of the judgment on 31.10.2011 [*Annexure P-8*], originated from an accusation against the petitioner's brother, Gorkhu Ram and the petitioner, Kishan Chand. A Co-ordinate Bench of this Court in **CWPOA No.1255 of 2019**, titled **Gorkhu Ram versus State of Himachal Pradesh and Others**, decided on 07.03.2026, has upheld the dismissal orders, which were subject-matter of FIR, which resulted in acquittal by giving benefit of doubt. In these circumstances, this Court, sees no reason, to take another view, in the instant case, which originated from same/similar charges against the brother of

petitioner, who was alleged to have tampered or had over-written his date of birth-age alike the petitioner [Kishan Chand]; and due to which FIR-criminal proceedings and the disciplinary proceedings were initiated in which charges were duly proved against him, which has been upheld by a Co-ordinate Bench in case of **Gorkhu Ram**, *supra*. In these circumstances, the claim of petitioner [Kishan Chand] for reinstatement, being, without merit, is turned down.

CONCLUSION:

9. State Authorities initiated disciplinary proceedings for imposition of major penalty under Rule 14 of the CCS (CCA) Rules, against petitioner being a regular employee at relevant time on 28.11.2013 alleging the petitioner a Beldar to have submitted a false certificate of his date of birth-age, just to give pecuniary benefits. Even during the departmental proceedings, the Inquiry Officer after affording a reasonable opportunity to the petitioner and based on the material adduced during the inquiry conducted in terms of the CCS (CCA)

Rules, the charge(s) were duly as proved. Inquiry Report was supplied to the petitioner on 16.05.2008 [as in Para 5 of Page 27 of paper book] but the petitioner-Kishan Chand, chose not to make any representation against the findings contained in Inquiry Report and has waived off his right under Rule 15 of the CCS (CCA) Rules. Consequently, the Disciplinary Authority imposed penalty of dismissal on 20.06.2008 [Annexure P-4] in accordance with law. Petitioner submitted an appeal, against his dismissal order, and the same was rejected on 22.03.2011 [Annexure P-7]. Post rejection of appeal, since the accusation alleged overwriting and tampering and submitting false, incorrect and untrue date of birth-age certificate Annexure P-1 [at Page 19 of paper book] was proved with motive to derive undue benefits on the basis of false age certificate, an FIR No.26 of 2002, dated 26.11.2002 was registered under Sections 420, 468, and 471, on the basis of a complaint submitted by Jaram Singh. Even, the accusation in FIR, against the petitioner-Kishan Chand and his brother Gorkhu

Ram who was also in Government service and the evidence adduced during trial establish that the age or date of birth certificate furnished to the department was incorrect, even though, on technical grounds. The charge of overwriting/cutting/tampering was not proved by prosecution so as to lead to their acquittal, on benefit of doubt by Learned Trial Court on 31.10.2011 [Annexure P-8] therefore, mere acquittal of benefit of doubt, shall not entitle the petitioner for seeking, relooking or for seeking indulgence of this Court in relation to dismissal orders, passed after due inquiry as per the CCS (CCA) Rules on 20.06.2008 [Annexure P-4]. Even judgment passed by Learned Trial Court on 31.10.2011 [Annexure P-8], establishes that the age-certificate or date of birth has been changed from 1947 to 1957 in Pariwar Register-Records, containing cuttings/overwriting/ in the year birth of both the co-accused i.e. petitioner and his brother. Based on the evidence, the charge(s) of submitting an incorrect, untrue age/date of birth by the petitioner stood duly established.

Mere acquittal on benefit of doubt, shall not entitle petitioner for automatic reinstatement. It is only in case of honourable acquittal after due trial, a claim for reinstatement may lie, wherein, Learned Trial Court records a finding that the petitioner had not committed any offence for which he was charged. In absence of any finding that the petitioner was falsely implicated and had not committed any offence, therefore, mere acquittal of benefit of doubt, without it being an honourable acquittal shall not entitle the petitioner for laying a challenge to the dismissal orders dated 20.06.2008 [Annexure P-4] and/or to seek reinstatement in service. Submitting false certificate regarding his age/date of birth which was duly proved, during Departmental Proceedings, and even the evidence adduced during the trial in criminal case is sufficient to infer submission of altered, overwritten, tampered and incorrect age/date of birth by the petitioner just to derive undue gains by the petitioner on the basis of incorrect age-certificate by 10 years. Proof of charge(s) in disciplinary

proceedings is based on principle of preponderance of probability which stands duly established in instant case. Standard of proof of charge(s) required in disciplinary proceedings vis-à-vis the criminal proceedings is entirely different. Technical acquittal or acquittal by giving benefit of doubt cannot confer an enforceable right for setting aside or for relooking into the dismissal orders or the orders rejecting the appeal or/and to claim reinstatement in service.

Even the co-accused [Gorkhu Ram] who happens to be real brother of the petitioner [Kishan Chand] who was also proceeded against in Disciplinary Proceedings and was dismissed from service had filed a writ petition which was dismissed by a Co-ordinate Bench of this Court as mentioned in Para 8 *supra*. Parity in treatment between co-accused cannot be deviated in facts and circumstance of this case. Since the petitioner had submitted false age/date of birth certificate which was duly proved during the Disciplinary Proceedings and even the evidence led during trial

establishes falsity. Therefore, this Court is not inclined to interdict the dismissal orders and/or Appellate Orders; and the claim for reinstatement in service is declined: Permitting the petitioner to be reinstated, shall only give leverage to his inactions or shall lead to validating his misdeeds is impermissible. Resultantly, the claim being devoid of any merit, is turned down.

10. No other point raised/argued.

DIRECTIONS:

11. In view of the above discussion and for reasons recorded hereinabove, the instant petition is **dismissed** in the following terms:

- (i). CWP No. 9609 of 2012, converted as CWPOA No.1874 of 2019, titled as Kishan Chand versus State of Himachal Pradesh & Others is dismissed;
- (ii). Dismissal order dated 20.06.2008 [*Annexure P-4*], does not suffer from any infirmity, perversity, or illegality, and same is upheld;
- (iii). Appellate order dated 22.03.2011, [*Annexure P-7*], dismissing the appeal is upheld;
- (iv). Mere acquittal on benefit of doubt

shall not entitle the petitioner for setting aside the dismissal orders or for reinstatement, and the claim is turned down;

(v). Costs made easy to respective parties.

In aforesaid terms, the instant petition and all the pending miscellaneous application(s), if any, stand disposed of.

(Ranjan Sharma)
Judge

September 07, 2026
[Shivender]