

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

Civil Writ Petition No.3190 of 2015

Date of decision: 23.2.2015

Ravinder Singh

... Petitioner

Versus

State of Punjab and another

... Respondents

CORAM: HON'BLE MR. JUSTICE RAJIV NARAIN RAINA

Present: Mr.Aditya Pa Singla, Advocate,
for the petitioner.

1. To be referred to the Reporters or not?
2. Whether the judgment should be reported in the Digest?

RAJIV NARAIN RAINA, J. (Oral)

The petitioner has been acquitted by the Special Judge, Ludhiana on 14th October, 2013 in FIR No.10 dated 16.3.2009 registered under Sections 7, 13(2) of the Prevention of Corruption Act, 1988 in PS Vigilance Bureau, Ludhiana. The charge of corruption has not been proved against him and he has been declared innocent of the crime. The department chose not to proceed departmentally against the petitioner on the occurrence which was subject matter of the criminal trial.

Learned counsel for the petitioner submits that no appeal against acquittal has been filed by the State on the advice of the District Attorney etc. The judgment has become final. Since the charge of corruption was laid by the Government and the trial failed, the petitioner would be

entitled to all his benefits arising meanwhile as though no trial was held. Which means that he will be entitled to arrears of salary, increments, promotion [in case a junior was promoted in the meanwhile] and other service benefits and to be restored his position in the status quo ante. He has made a representation Annexure P-10 for the grant of consequential benefits arising out of failure of the criminal charge in the trial but the same has not been addressed or resolved by the respondents so far which is causing prejudice to the petitioner.

Learned counsel submits that the matter does not brook delay as a recurring loss is occasioned to the petitioner everyday. The petitioner has been making requests demanding justice, with the last one served in December, 2014 [P-10].

In view of the acquittal by the learned Special Judge, Ludhiana, no legal issue arises for determination in this case since it is well settled that some of the past monetary benefits can be denied only when the commission of crime alleged does not arise in the performance of duties as a Government servant but is a private act of an employee, for which reason alone, the arrears of salary can be denied.

In these circumstances, learned counsel submits that a direction may go to the competent authority amongst the respondents to consider and decide his representation by treating this petition as a supplementary representation as well.

The prayer is reasonable and interference to the extent of issuance of a command to the competent authority deserves to be issued for it to take up and decide the representation of the petitioner within 15 days

from the date of receipt of a certified copy of this order.

In case, there are no legal impediment in the way of the petitioner, then the claim may be satisfied without having to pass a speaking order or affording an opportunity of hearing the petitioner. In case, a view against the petitioner is to be taken for any valid and cogent reason, then the petitioner would be heard and a speaking order passed. In case hearing is required, the period fixed is extended by another 15 days.

This order will, however, remain subject to any further proceedings arising out of the acquittal with rights to recovery, in case the situation arises.

With the above directions, the petition stands disposed of.

(RAJIV NARAIN RAINA)
JUDGE

February 23, 2015
Paritosh Kumar