

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

RSA No. 1728 of 1991 (O&M)
Date of decision: January 5, 2016

Sher Singh

...Appellant

Versus

The State of Haryana and others

...Respondents

CORAM:- HON'BLE MR. JUSTICE K. KANNAN

- 1. Whether Reporters of local papers may be allowed to see the judgment ?**
- 2. To be referred to the Reporters or not ?**
- 3. Whether the judgment should be reported in the Digest?**

Present: - Mr. Ajay Jain, Advocate
for the appellant.

Mr. Saurabh Mohunta, DAG, Haryana.

K. KANNAN, J. (Oral)

1. A work charged employee who joined service on 18.3.1975 suffered termination for his alleged involvement in a criminal case and tried before a criminal court. The criminal case, however, culminated in acquittal on merits that he was not involved and the employee challenged the order of termination. There was a direction for reinstatement on 22.9.1987 but the benefit of the order was confined to merely securing the post and denied the monetary benefit that accrued during the period when he was not working on the principle of 'No work, no Pay'.

2. The learned counsel appearing for the petitioner refers to me a Full Bench ruling of this Court in Radha Ram Versus Municipal Committee,

Barnala and another 1983 PLR 21 that held that if the termination was bad, the Court would be competent to give direction for payment of arrears of pay during the entire period when the employee was without employment. In a still later judgment in Sukchain Singh Versus State of Punjab and another 2014 (2) SLR 139, a Single Judge of this Court held that a person who remained out of service due to his conviction in a criminal case who secured an honorable acquittal shall be not merely entitled to be reinstated but would also be entitled to all pay and allowances for the period he remained out of service. The Rajasthan High Court in Shamseen Khan Versus State of Rajasthan and others 2003 (3) W.L.C. (Raj.) 638 typically dealt with a case of work charged employee whose services were terminated but on acquittal found entitled not merely to reinstatement but would also be entitled to back wages with effect from the date of acquittal.

3. Having regard to the appellant's own status as a work charged employee and he was regularized only subsequently on reinstatement. I modify the decision already made by the Court below and allow the benefit of back wages and restrict his entitlement from the date of the order of acquittal by the criminal court.

4. The appeal is allowed on the above terms.

January 5, 2016
prem

(K.KANNAN)
JUDGE