

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CWP-15573-2007 (O&M)
Date of decision: 25.10.2016

Hans Raj

.....Petitioner

versus

State of Punjab and others

.....Respondents

CORAM: Hon'ble Mr.Justice Kuldeep Singh

Present: Mr.Sandeep Jasuja, Advocate for the petitioner
Mr.R.S.Pathania, DAG Punjab

- 1. Whether Reporters of Local Newspapers 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?*

Kuldeep Singh, J. (Oral)

Petitioner was working as a gunman in Punjab Roadways Muktsar Depot. On 21.2.2006, a robbery was committed in the office of Punjab Roadways Muktsar wherein one Sukhchain Singh, Cashier/Conductor was murdered. The petitioner was also stated to be injured. However, after inquiry, an FIR No.12 under Sections 302, 452, 397 IPC and under Section 27 of the Arms Act was registered against the petitioner at Police Station City Muktsar. The petitioner was accordingly suspended vide order dated 2.3.1996 w.e.f. 29.2.1996. The said trial resulted into conviction of the petitioner by learned Sessions Judge, Faridkot on 25.11.1997 under Sections Sections 302, 397 IPC and under Section 27 of the Arms Act. Consequently, vide order dated 14.2.1998, the petitioner was dismissed from service. The petitioner preferred an appeal before this Court. A Division Bench of this Court vide judgment dated 5.4.2007, allowed the appeal and

acquitted the petitioner. At the time of release of the petitioner from jail, he had already attained the age of superannuation. The claim of the petitioner is that the order of his dismissal dated 14.2.1998 should be revoked and he be granted consequential benefits.

After hearing learned counsel for the parties, I am of the view that once the petitioner is acquitted, under Rule 7.3 of the Punjab Civil Services Rules Volume I Part I, the department is required to consider whether the petitioner is to be reinstated or not? The department is also required to decide what orders are to be passed regarding the suspension period and the period during which he remained dismissed from service and the subsequent period. Until and unless, the orders are passed by the department, this Court cannot order the reinstatement of the petitioner. Therefore, this writ petition is disposed of with a direction to the respondent No.3 to pass an appropriate order in accordance with law as to whether the petitioner is to be reinstated and what is to be done regarding his suspension and dismissal period. Necessary order be passed within two months from the date of receipt of a certified copy of this order, after hearing the petitioner. The petitioner is directed to appear before respondent No.3 along with a certified copy of this order so that time is not wasted unnecessarily in issuing notice to him. Needless to say that follow up action in pursuance to the said administrative order, if necessary, shall also to be taken.

25.10.2016*gk***(Kuldip Singh)
Judge**

Whether speaking/ reasoned:

Yes/ No

Whether Reportable:

Yes/No