

**CM No.14650 of 2016 in/and
CWP No.18115 of 2016**

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IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

**CM No.14650 of 2016 in/and
CWP No.18115 of 2016
Date of Decision: 21.11.2016**

Shyam Lal

... Petitioner

Versus

State of Haryana and others

... Respondents

CORAM:- HON'BLE MR. JUSTICE RAJIV NARAIN RAINA

Present: Mr. Narender Pal Bhardwaj, Advocate,
for the applicant-petitioner.

RAJIV NARAIN RAINA, J.

CM No.14650 of 2016

The application is allowed and the main case is taken up on Board today itself for final disposal.

Main Case

This case was filed against the dismissal order. A criminal trial was pending against the petitioner when the petition was brought and, therefore, this Court heard the learned counsel and admitted the petition to be heard within one year in the hope that in the meanwhile, the trial will be concluded and then adjudicate what may remain to be argued. In this application, the trial Court judgment is appended which acquits the petitioner of the charges framed against him under the provisions of the Prevention of Corruption Act, 1988. It is urged that this supervening event would give rise to reconsideration by the authorities in the police department to review the case of the petitioner afresh in view of the

acquittal in criminal case, if requested, for which the petitioner is free to make a request in writing giving reasons in support of revisit of concluded disciplinary proceedings. It is informed that the basis of dismissal and the charges framed against the petitioner was common and on the same set of allegations. The acquittal by the trial Court gives rise to a fresh cause of action which has to be addressed first before the competent authorities in the police department as per PPR, 1934 as applicable to Haryana read with Haryana Civil Services (General) Rules, 2016 and in accordance with law. Hence, no useful purpose will be served to keep this petition pending as no relief can be granted at this stage by the Writ Court against the order of dismissal from service. The authorities will no doubt take a fresh look at the case of the petitioner arising from Sessions Case No. PC 01 of 2016 decided on October 24, 2016 by the learned Additional Sessions Judge, Karnal.

In the circumstances, the petitioner prays that he may be permitted to withdraw the petition to pursue administrative remedies arising out of change of circumstances.

Allowed to do so without expressing any opinion on the merits of the case so as not to influence the mind of the authorities who would take their independent decisions in accordance with law. Ordered accordingly.

**(RAJIV NARAIN RAINA)
JUDGE**

21.11.2016
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Whether speaking/reasoned *Yes*

Whether reportable *No*