

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

Date of decision: 19.09.2016

CWP No.5047 of 2012

Raghunath Singh

...Petitioner

Vs.

State of Haryana & others

...Respondents

CORAM: HON'BLE MR. JUSTICE RAJIV NARAIN RAINA

Present: Mr. P.L.Verma, Advocate, for the petitioner.

Mr. Harish Rathee, Sr. DAG, Haryana.

RAJIV NARAIN RAINA, J. (ORAL)

There is no explanation whatsoever in the petition between the dates after the petitioner was acquitted by the Special Judge, Faridabad vide judgment dated 01.12.1997 in a corruption case and the year 2008, when the petitioner was reinstated in service. He was compulsorily retired from service w.e.f. 28.02.2010.

The petitioner, against whom criminal charge was framed under the Prevention of Corruption Act, 1988, by prosecution invoking Section 13 read with Section 7 of the said Act in case FIR No.61 dated 22.07.1994 while posted as Patwari Halqa Andhop, he was accused of having accepted a bribe of ₹150/- as illegal gratification from one Amar Chand for supplying him copies of some Jamabandies of the land in question. The Special Judge, Faridabad concluded in his judgment that the prosecution had not been able to bring home the guilt attributed to the accused beyond reasonable doubt. The petitioner was among several accused. While acquitting the petitioner, the trial Judge extended to him the benefit of doubt. The question presently

is not so much as to whether the expression 'benefit of doubt' was used in the judgment of acquittal to deprive the petitioner of service benefits, but the fact remains that from 1997 till 2008, nothing has been explained to cover the wide gap except what is stated in Para.4 of the petition, which reads as under:

“4. That the petitioner immediately on acquittal is making request to respondents department to reinstate him in service, but the respondent is not reinstating him in service without any reasons. The respondent No.2 passed order No.2200-2205 dated 10.10.2008 regarding reinstatement of petitioner. Ultimately, the respondent No.3 vide order dated 25.10.2008 allowed petitioner to reinstate in service as Patwari in Utawar Circle Tehsil Hathin with immediate effect. A copy of order dated 10.10.2008 and 25.10.2008 is annexed as Annexure P-2 & P-3.”

In absence of documentary proof covering the period 1997 to 2008, I believe that no relief can be granted to the petitioner towards the period of suspension i.e. from 15.03.1994 [the date of suspension] to 10.10.2008 to award him the difference of salary and the subsistence allowance paid during the suspension. By the impugned order, the authorities have denied the petitioner difference of salary for the period of suspension. In absence of sufficient cause or sufficient explanation covering the period from 1997 [the date of conviction] to 2008 [the date of reinstatement] of the reasons which kept the petitioner away from seeking redress from a court of law, it seems improbable that for such a long time, the petitioner would keep quiet and then try to take undue monetary advantage from the State in a petition instituted in 2016.

Learned counsel for the petitioner relies on a document placed by the State in its written statement at Annex R-2, which is a request letter dated 16.01.1998 submitted by the petitioner addressed to the Deputy

Commissioner, Faridabad to take appropriate action for payment of salary for the period of suspension following acquittal in the criminal case. Coming from the State record, this Court accepts that a representation was made. However, there seems to be no follow up after 16.01.1998 till 2008 since nothing has been placed on record by the petitioner to readily accept the position that there was no fault on the part of the petitioner for not reporting to duty and offering his services after acquittal.

In view of the peculiar circumstances obtaining between duration of acquittal and reinstatement into service, it will be difficult to apply the law laid down in Union of India Vs. K.V.Jankiraman etc., AIR 1991 SC 2010 or the Single Bench decision cited by the learned counsel for the petitioner delivered in Ranbir Singh Vs. DHBVNL & others, 2016 (3) SCT 511 to claim awarding of full salary to the petitioner for more than a decade of his vanishing trick. Counsel has not been able to justify disappearance of the petitioner only to surface after 6 years of retirement to claim relief barred by time

Consequently, I would refuse to entertain this petition for the relief claimed and would on the other hand rather dismiss the petition as not worthy of admission.

19.09.2016
Vimal

[RAJIV NARAIN RAINA]
JUDGE

Whether speaking/reasoned: *Yes*

Whether Reportable: *No*