

IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH

Letters Patent Appeal No.1486 of 2016 (O&M)

Date of Decision: August 22, 2016

State of Punjab and others

.....Appellants

versus

Surinder Singh

.....Respondent

CORAM: HON'BLE MR.JUSTICE SURYA KANT.

HON'BLE MR.JUSTICE SUDIP AHLUWALIA.

Present: Mr.Rajesh Bhardwaj, Additional Advocate General, Punjab,
for the appellants.

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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?

Surya Kant, J.

The question that arose for consideration of the learned Single Judge was whether the respondent was entitled to be reinstated in service as a Special Police Officer (for short, the SPO), after his acquittal in FIR No.74 dated 09.05.2000 registered at Police Station Ghanaur under Section 15 of the NDPS Act, 1985? The captioned question came up for consideration in the light of the admitted facts, namely, (i) that the respondent was recruited as SPO in the year 1992 and he was admittedly discharged from service on 17.11.2000 due to his involvement in the above-stated criminal case; (ii) two other Home Guards were his co-accused and on acquittal they were reinstated, and (iii) there are past instances where SPOs found involved in false criminal cases, were reinstated on their acquittal. In this backdrop, the learned Single Judge has answered the question in affirmative and has held the respondent entitled to reinstatement as SPO but without any back wages.

Learned Single Judge while granting this relief has followed

the decision of this Court in somewhat similar circumstances wherein also

one SPO was discharged from service on registration of criminal case under the Prevention of Corruption Act and on acquittal, this Court ordered his reinstatement but without back wages.

Learned Single Judge has also explained the concept of 'honourable acquittal' and 'technical acquittal' and in the light of the decisions of the Hon'ble Supreme Court, has observed that the acquittal on whatever ground has to be taken as acquittal on merits.

We have heard learned State counsel at a considerable length and gone through the record.

Since the very foundation of discharge order has disappeared on acquittal of the respondent in the criminal case, it appears that the direction issued for his reinstatement calls for no interference. The contention that the SPOs are not the regular members of Police cadre, would not cause any impediment against the relief granted to the respondent for the reason that the Home Guards who have been reinstated are also not regular employees. Similarly, the plea of discrimination raised by the respondent unveils that there are instances where SPOs were discharged due to their involvement in criminal cases but were reinstated. On the same analogy, the respondent cannot be denied the relief granted by the learned Single Judge.

Dismissed.

[SURYA KANT]
JUDGE

August 22, 2016

mohinder

[SUDIP AHLUWALIA]
JUDGE

Whether speaking/reasoned

:

Yes/No

Whether Reportable

:

Yes/No

CM No.3121 of 2016 in
LPA No.1486 of 2016

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State of Punjab and others versus Surinder Singh

Present : Mr.Rajesh Bhardwaj, Additional AG, Punjab,
for the applicant-appellants.

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For the reasons mentioned in the application, the same is
allowed subject to all just exceptions and 65 days' delay in filing the appeal
is condoned.

CM stands disposed of.

(SURYA KANT)
JUDGE

August 22, 2016
mohinder

(SUDIP AHLUWALIA)
JUDGE