

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

CWP No.167 of 2014

Date of Decision:26.04.2017

Smt. Satinder Kapoor

... Petitioner

Vs.

The State of Haryana and others

... Respondents

CORAM : HON'BLE MR. JUSTICE P.B. BAJANTHRI

Present : Mr. Jagdish Manchanda, Advocate for the petitioner.

Mr. Sushil Gautam, D.A.G. Haryana.

P.B. BAJANTHRI J. (Oral)

In the instant petition, the petitioner has questioned the validity of order dated 20.9.2013 (Annexure P-13) by which claim of the petitioner for arrears of salary and other consequential benefits have been denied.

The petitioner while working as a Science Teacher in the Government Senior Secondary School was involved in a criminal case namely FIR No.181 dated 22.6.2000 for the offences under Sections 148, 149, 427, 428, 395, 506, 120-B, 412 IPC read with Section 27,54,56 of Arms Act at Police Station Model Town, Panipat. In the criminal case, the petitioner was convicted and sentenced on 24.2.2003 by the learned Additional Sessions Judge, Panipat under Sections 120-B and 412 IPC for rigorous imprisonment for three years alongwith fine of Rs.500/-. Thereafter the petitioner is stated to have filed a criminal appeal in which he has been acquitted on 13.5.2011.

In the intervening period from the date of arrest, suspension and revocation of suspension, whether the petitioner is entitled for service benefits including monetary benefits is the question for consideration in the

present petition.

Undisputedly, the petitioner was involved in a criminal case in his personal capacity and it is not initiated by the department or petitioner's employer. In other words, on his own got into trouble in criminal proceedings which has led to arrest, suspension, conviction and acquittal. The said conduct of the petitioner is nothing to do with the department. Therefore, for misdeeds committed by the petitioner on his own in a private capacity, the petitioner is not entitled for any monetary benefits as held by this Court in CWP No.26122 of 2013; decided on 28.11.2013; Balbir Singh v. State of Haryana and others which has been upheld by this Court in LPA No.514 of 2014; decided on 13.08.2014. Both the learned Single Judge as well as LPA bench considered Rule 7.5 of the Punjab Civil Service Rules Vol.I Part-I how to regulate the intervening period if an employee involved in a criminal proceedings in a private capacity which has led to arrest and suspension etc. Therefore, matter is covered by the aforementioned case. Consequently, no interference is called for in the matter.

Accordingly, petition stands dismissed.

26.04.2017
rajeev

(P.B. Bajanthri)
Judge

Whether speaking/reasoned

Yes/No

Whether reportable

Yes/No