

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CWP No. 19624 of 2017
Date of Decision: 31.08.2017

Saryu Gupta and others

.....Petitioners

Vs.

Haryana Power General Corporation Ltd. and others

.....Respondents

CORAM: HON'BLE MR. JUSTICE AMOL RATTAN SINGH

Present: Mr. Suman Jain, Advocate,
for the petitioners.

AMOL RATTAN SINGH, J. (ORAL)

When this Court was not inclined to interfere at this stage, as regards grant of benefits to the petitioners in respect of the service of their father, he having been held guilty in criminal proceedings, of the commission of various offences punishable under the Indian Penal Code including under Section 420 IPC thereof, learned counsel submitted that he was held guilty in protracted litigation (in criminal proceedings), after he had died.

He further submits that all other employees of the respondent-Corporation (formerly Electricity Board) were acquitted and only the contractors were (also) convicted, along with the petitioners' father.

Even if that be so, the fact remains that though the petitioners' father had already died when the appeal in criminal proceedings came to be decided on 21.03.2014, that judgment, specifically holding him and others guilty of the offences that they were held guilty of by the trial Court, has become a judgment that is final as of today.

It is also to be specifically noticed that the appellate Court, in those proceedings, specifically noticed in the earlier part of the judgment, Annexure P-7, that Raj Kumar Gupta (the late father of the petitioner), had already died and therefore the proceedings against him “were ordered to be abated”. Yet, eventually, while acquitting some other persons of the charges framed against them, the findings of the trial Court qua Raj Kumar Gupta, J.E. and three others persons, were affirmed by the appellate Court, even showing again, while holding so, that Raj Kumar Gupta had died.

In such circumstances, directions cannot be issued that the petitioners' father be treated to have been re-instated in service and therefore, after his death, the petitioners be paid benefits of his service.

Learned counsel for the petitioners, at this stage, submits that if upon the petitioners filing a revision petition even at this stage, against the judgment of the appellate Court in Criminal Appeal No. 70 of 2013 (decided on 21.03.2014), they succeed, the petitioners may be granted liberty to approach this Court again, in respect of the claim made in this petition.

Dismissed at this stage with the aforesaid liberty.

August 31, 2017
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(AMOL RATTAN SINGH)
JUDGE

Whether speaking/reasoned Yes

Whether Reportable Yes