

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

CWP No.20050 of 2014 (O&M)

Date of decision: 30.08.2018

Bhupinder Singh and others

...Petitioner(s)

Versus

State of Punjab and another

...Respondent(s)

CORAM: HON'BLE MR.JUSTICE JITENDRA CHAUHAN

Present: Mr. Amrik Singh, Advocate for the petitioner(s).

Ms. Kanica Sachdeva, AAG, Punjab.

Jitendra Chauhan, J. (Oral)

By way of the present petition, the petitioners seek issuance of directions to the respondents to grant all the consequential benefits of seniority, pay, increments etc., in view of their reinstatement been into service after their acquittal in FIR No.58 dated 19.06.2001, registered under Sections 366, 354, 294, 341 read with Section 34 of IPC at Police Station Chamkaur Sahib, vide judgment dated 21.05.2013 (Annexure P-2)

It is contended that after the acquittal in the aforementioned FIR, the petitioners have been reinstated into service, vide order dated 19.12.2013 (Annexure P-3), however, the consequent benefits have not been granted for the period of suspension and termination. The assertion is that the petitioners ought to have been reinstated with continuity of service with all consequential benefits. In support of his assertions,

learned counsel cites Surjit Singh Vs. State of Haryana and another in CWP-1326 of 2013, decided on 30.04.2015 and Jaswinder Kaur Vs. Punjab State Power Corporation Limited and others, 2016(2) SCT 218.

On the other hand, learned State counsel states that the petitioners have already been reinstated into service; they cannot be given the monetary benefit for the period when they were out of the job and had not served the department, therefore, the present petition is liable to be dismissed.

Heard, learned counsel for the parties and perused the record.

The petitioners were terminated from service on account of their conviction in FIR No.58 dated 19.06.2001, registered under Sections 366, 354, 294, 341 read with Section 34 of IPC at Police Station Chamkaur Sahib, District Ropar. Aggrieved thereby, they preferred an appeal wherein they have been acquitted of the charges, vide judgment of dated 21.05.2013 (Annexure P-2).

On 05.09.2014, this Court had passed the following order:-

“The petitioner was dismissed from service on 20.5.2011 following conviction by the Criminal Court for the offences not attributable to the employer. This Court in appeal acquitted the petitioner on 21.5.2013. No appeal against acquittal was filed by the State or the complainants. He was reinstated to service on 19.12.2013.

In view of the settled law, the petitioner would not be entitled to monetary benefits including salary for the period between dismissal and reinstatement. However, that reinstatement has been ordered to take place with effect from 19.12.2013 but it

is contended that it should relate back atleast to the date of judgment of acquittal passed by this Court on 21.5.2013 for the benefits to accrue therefrom. On this limited question, issue notice of motion returnable on 12.12.2014.”

The competent authority had already taken a lenient view by reinstating the petitioners into service. It was not the act of the State to keep the petitioner out of job. The petitioners are claiming only the benefits accrued to them on account of their reinstatement and no challenge has been laid to the order dated 19.12.2013 of their re-appointment.

Accordingly, finding no merit in the instant petition, the same is hereby dismissed.

30.08.2018

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(JITENDRA CHAUHAN)
JUDGE

Whether speaking/reasoned :	Yes	No
Whether Reportable :	Yes	No