

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

LPA No. 1372 of 2019 (O&M)

Date of Decision: 16.08.2019

State of Haryana and others

.....Appellants

versus

Ran Singh

.....Respondent

**CORAM: HON'BLE MR.JUSTICE KRISHNA MURARI, CHIEF JUSTICE
HON'BLE MR. JUSTICE ARUN PALLI, JUDGE**

Present : Mr. Samarth Sagar, Additional Advocate General, Haryana,
for the appellants.

KRISHNA MURARI, CHIEF JUSTICE (oral)

CM No. 3030-LPA of 2019

Heard. For the reasons mentioned in the application, delay of 17 days in filing the appeal is condoned. Application stands disposed of.

LPA No. 1372 of 2019

This intra-court appeal under Clause X of the Letters Patent filed by the State of Haryana is directed against the judgment and order dated 12.04.2019 allowing the writ petition filed by the respondent herein claiming salary for the period from 30.12.2012 to 22.04.2014 after being reinstated back.

2. Facts giving rise to the dispute in brief required to be noticed are as under:-

Respondent-petitioner, who was working as a driver with Haryana Roadways, was terminated vide order dated 30.10.2012 passed by the General Manager, Haryana Roadways, Delhi Depot. He filed a statutory appeal before the Director General, Transport Department, Haryana. His appeal was allowed and the Appellate Authority set aside the order of termination dated 30.10.2012 but with the condition that he would not be entitled for the salary for the period from 30.12.2012 when his services were

terminated till reinstatement. The reason for termination of service was

involvement of the respondent-petitioner in a criminal case, though there was no evidence adduced against him during enquiry proceedings. For this reason the Appellate Authority disagreed and set aside the impugned order which was purely based on the findings in the enquiry report based on evidence.

3. The appellant-petitioner was acquitted by the criminal court vide judgment dated 25.01.2017. Thereafter he again approached the Appellate Authority claiming salary for the period from 30.12.2012 to 23.04.2014, the date of his reinstatement. The Appellate Authority vide order dated 06.02.2018 rejected the same.

4. Learned Single Judge finding that no evidence could be adduced against him in the enquiry proceedings to prove the charges and the Appellate Authority set aside the termination order on that ground and subsequently he was acquitted in the criminal case as well. There exists no good ground not to pay him salary during the period he was kept out of employment.

5. Since the disciplinary proceedings ended in exoneration from the charges, we are of the considered opinion that the learned Single Judge committed no illegality in allowing the writ petition and holding that the respondent-petitioner was entitled for payment of salary for the said period.

6. In view of the above facts and discussion, the appeal is devoid of merits and accordingly stands dismissed in limine.

(KRISHNA MURARI)
CHIEF JUSTICE

(ARUN PALLI)
JUDGE

16.08.2019
ravinder

Whether speaking/reasoned	√Yes/No
Whether reportable	Yes/No√