

RSA-2716-2016 (O&M)

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

RSA-2716-2016 (O&M)

Date of Decision: 15th January, 2019

Executive Engineer & others

...Appellants

Versus

Ram Lal

...Respondent

CORAM: HON'BLE MR. JUSTICE AUGUSTINE GEORGE MASI H

Present: Mr. Piyush Khanna, Advocate,
for the appellants.

Ms. Sonia G. Singh, Advocate
for the respondent.

AUGUSTINE GEORGE MAS IH, J. (ORAL)

CM-17068-C-2016

Annexures A-1 and A-2 are taken on record, subject to all just
exceptions.

Application stands disposed of.

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Challenge in this appeal is to the judgment and decree dated
05.06.2012 passed by the Civil Judge (Junior Division), Karnal, whereby,
suit for declaration with consequential relief of mandatory injunction as
preferred by the respondent – plaintiff has been partly allowed granting him
the benefit of retiral benefits and salary during the period of suspension
along with interest @ 12% per annum from the date of accrual till the date
of realization, appeal against which, preferred by the appellant – defendants
has been dismissed by the learned Additional District Judge, Karnal, vide

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judgment dated 03.10.2015, upholding the judgment passed by the trial Court.

It is the contention of the learned counsel for the appellant that the Courts below have failed to appreciate true facts and the statutory provisions while granting the relief to the respondent – plaintiff. He contends that the respondent – plaintiff was convicted and sentenced in FIR No. 23 dated 17.05.2002, under Sections 420, 467, 468, 471 and 120-B of the Indian Penal Code, Police Station SVB Rohtak, against which, appeal preferred by him was dismissed and the revision preferred by the respondent – plaintiff has been accepted by this Court. It is, during this period, respondent – plaintiff was kept under suspension and therefore, could not have been granted the benefit of salary for the period of his suspension. He, thus, contends that the judgments and decree passed by the Courts below deserve to be set aside.

Learned counsel for the respondent – plaintiff, on the other had, has asserted that the statutory rules governing the issue involved have provided clearly that the employee who has been initially convicted but has ultimately been acquitted would be entitled to continuation of service with all consequential benefits and it is, in pursuance thereof, respondent – plaintiff has been granted the benefits. She, therefore, contends that the judgments and decree passed by the Courts below being in accordance with law do not call for any interference by this Court.

I have considered the submissions made by the learned counsel for the parties and with their assistance have gone through the records of the

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case.

It is not in dispute that initially, an FIR was registered against the respondent – plaintiff in which he was convicted, appeal against which preferred by him was dismissed but in the revision preferred in this Court, the same has been allowed resulting in his acquittal. It goes without saying that in the light of the acquittal of the respondent – plaintiff, he would be entitled to the benefit of service which he would have entitled, in case the conviction had not occurred. Respondent – plaintiff was kept under suspension and it is, after the acquittal, he has sought his benefits which he would be entitled to. The judgments and decree, as passed by the Courts below, being in accordance with law, do not call for any interference by this Court.

The appeal being devoid of merit stands dismissed.

CM-7285-C-2016
CM-4517-C-2017
CM-12917-C-2016

In the light of the disposal of the main appeal, no order is required to be passed in these application as the same have been rendered infructuous.

Disposed of as such.

(AUGUSTINE GEORGE MASIH)
JUDGE

15th January, 2019
Harish

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