

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CWP-17407-2015

Date of decision: 04.02.2020

Subhash (deceased) through his LRs

...Petitioner(s)

V/s.

State of Haryana and another

...Respondent(s)

CORAM: HON'BLE MS. JUSTICE RITU BAHRI.

Present: Mr. K.S.Yadav, Advocate
for the petitioner.

Mr. Randhir Singh, Advocate
for State of Haryana.

RITU BAHRI, J. (Oral).

The petitioner (since died) was appointed on the post of Peon on 08.08.1996 in the Department of Sports and Youth Welfare, Haryana. An FIR No. 802 dated 25.12.1996 was registered against him in Police Station Ambala under Sections 302, 332, 333, 353/34 and 382 of IPC. After being arrested on 25.12.1996, he was placed under suspension vide order dated 29.01.1997 (Annexure P-2). Vide judgment dated 05.06.1998, he was convicted and sentenced to rigorous imprisonment for life with fine of Rs.15,000/-. After conviction, his services were terminated by the Department vide order dated 12.09.2000 with immediate effect (Annexure P-3). The petitioner filed CRA-328 DB/1998 against the judgment of conviction before this Court and he was acquitted vide judgment dated 10.09.2008 (Annexure P-4). After acquittal, the petitioner was reinstated

vide order dated 03.09.2010 passed by respondent No.2 (Annexure P-5) but he was denied the benefit of back wages, leave, salary etc.

The petitioner is now seeking benefits of back wages and other consequential benefits from the date of acquittal i.e. 10.09.2008 till reinstatement i.e. 03.09.2010.

Learned counsel for the State submits that the petitioner has first time approached for reinstatement by making representation on 17.08.2009 and he was reinstated on 03.09.2010. Hence, he is not entitled for backwages before 17.08.2009.

Heard learned counsel for the parties.

The short question for consideration in the present writ petition is whether the petitioner is entitled for backwages from the date of acquittal till reinstatement.

Learned counsel for the petitioner has referred to a judgment passed by Hon'ble the Supreme Court in ***Gurpal Singh V/s. High Court of Judicature for Rajasthan 2013 (1) S.C.T. 683*** wherein Supreme Court was considering a case of an employee who was appointed as Judicial Magistrate First Class. On account of a criminal case, he was placed under suspension on 22.12.1985 w.e.f. 20.12.1985. He was finally acquitted by the High Court by dismissing the appeal against acquittal. The Supreme Court held that petitioner is entitled to full pay and allowances from 27.09.2005 i.e. the date of the judgment rendered by the Delhi High Court onwards and is further entitled for promotion notionally from the date when an officer junior to him was promoted and other consequential benefits with 6% interest from the date of dismissal of the appeal by the High Court on 27.09.2005.

In the present case, the petitioner is entitled for salary and other consequential benefits after his acquittal on 10.09.2008 till the date of reinstatement i.e. 03.09.2010. Hence, writ petition is allowed.

The argument of learned counsel for the State that the petitioner approached the Department after a gap of one year and has no right to claim backwages before 17.08.2009 seems to be reasonable. However keeping in view that even the State had taken one year to reinstate him, and therefore, instead of imposing cost, respondents are directed to pay backwages alongwith consequential benefits with 6% interest from the date of acquittal i.e. 10.09.2008 till reinstatement i.e. 03.09.2010.

(RITU BAHRI)
JUDGE

04.02.2020

Divyanshi

Whether speaking/reasoned	:	Yes/No
Whether reportable	:	Yes/No