

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

LPA No.684 of 2020 (O&M)

Decided on 09.10.2020

State of Haryana and Another

.....Appellants

VERSUS

G.R.Cholia

.....Respondent

**CORAM : HON'BLE MR. JUSTICE AJAY TEWARI
HON'BLE MR. JUSTICE RAJESH BHARDWAJ**

PRESENT: Mr. Deepak Balyan, Addl.A.G.Haryana.

AJAY TEWARI, J. (ORAL)

This appeal has been filed against the judgment dated 15.01.2020 of the learned Single Judge wherein, the prayer of the respondent for treating his suspension period as period spent on duty on account of his acquittal in a case under Prevention of Corruption Act, 1988 was upheld.

The only reason taken by the appellant for denying him the benefit of his acquittal was the ground he had been acquitted on the basis of benefit of doubt. Learned Single Judge has correctly noticed that no such distinction can be made in a criminal case, since in a criminal case, a person has to be given the benefit of doubt if the case is against him is not proved beyond reasonable doubt. Concededly, no independent inquiry has been conducted by the department which could have lead the competent authority to come to a finding regarding the period of suspension.

In these circumstances, the action of the learned Single Judge in setting aside the order merely because the respondent was acquitted on the basis of doubt can not be found fault with.

The appeal is dismissed.

(AJAY TEWARI)
JUDGE

(RAJESH BHARDWAJ)
JUDGE

09.10.2020
anil

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