

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

106

**C.M.Nos.488-C & 489-C-2021 in/and
R.S.A. No. 1078 of 2017 (O&M)
Date of Decision:- 11.02.2021**

Neeraj Kumar

....appellant

vs.

Ganpat Singh and another

....Respondents

BEFORE :- HON'BLE MR. JUSTICE SUDHIR MITTAL

Present:- Mr. Pankaj Jain, Advocate with
Mr. Sumeet Jain, Advocate,
for the applicant-appellant.

Sudhir Mittal, J. (Oral)

C.M.No.488-C of 2021

Exemption prayed for is granted.

Application stands disposed of.

C.M.No.489-C of 2021

This application is for placing on record compromise dated 21.01.2021 and for decreeing the appeal in terms thereof.

Notice of motion.

Mr. Sudhir Aggarwal, Advocate, accepts notice on behalf of the respondents and waives service. He admits the factum of compromise and has no objection in case the application is allowed.

The application is allowed and compromise dated 21.01.2021 is taken on record.

In view of the above and with the consent of the learned counsel, the date of hearing in the main appeal is advanced to today. The

same is taken on Board.

R.S.A. No. 1078 of 2017

In view of compromise dated 21.01.2021, appeal stands disposed of. Decree sheet be drawn up accordingly and the compromise shall form part thereof.

February 11, 2021
poonam

(SUDHIR MITTAL)
JUDGE

Whether Speaking/Reasoned **Yes**

Whether Reportable **No**

**102 C.M.No.458-C of 2021 in
R.S.A. No. 5666 of 2018 (O&M)**

HFCL Info Tel Limited vs. Manju Bala and another

Present:- Mr. Vishal Gupta, Advocate,
 for the applicant-appellant.

C.M.No.458-C of 2021

This application has been filed under Order 41 Rule 5 read with Section 151 CPC for stay of execution proceedings before the trial Court. A similar application was filed with the RSA and no order was passed thereupon when notice of motion was issued, the second application for the same relief would not be maintainable.

However, in the interest of justice, issue notice of motion to counsel for respondent No.1, for 05.04.2021.

**February 11, 2021
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**(SUDHIR MITTAL)
JUDGE**

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

C.W.P. No. 19471 of 2020 (O&M)

Date of Decision:- 11.02.2021

Ravinder Kumar

....Petitioner

vs.

State of Haryana and others

....Respondents

BEFORE :- HON'BLE MR. JUSTICE SUDHIR MITTAL

Present:- Mr. Ashok Kaushik, Advocate,
for the petitioner.

Sudhir Mittal, J. (Oral)

C.M.No. 2191 of 2021

This application has been filed for placing on record extract of Punjab Police Rules as Annexure P-6.

Application is allowed and Annexure P-6 is taken on record.

C.W.P. No. 19471 of 2020

The petitioner was appointed as Constable on 14.07.2008. On the same day, FIR No.189 dated 14.07.2008 was registered in which the petitioner was also an accused. Consequently, he was dismissed from service on 16.07.2008. Appeal and revision against the order of dismissal also failed. On culmination of his trial, he has been acquitted vide judgement dated 30.07.2019 and thereafter he made an application to the concerned authorities for reinstatement, however, the same has been rejected on the ground that his appeal and revision against the order of dismissal already stand dismissed.

Learned counsel for the petitioner has relied upon Rule 16.3 of

the Punjab Police Rules, 1934 to argue that on acquittal, the petitioner is entitled to reinstatement. He has also submitted that rejection of his claim on account of appeal and revision having been dismissed earlier is not sustainable.

Rule 16.3 of the aforementioned Rules is reproduced below for ready reference:-

“16.3. Action following on a judicial acquittal. - (1)

When a Police Officer has been tried and acquitted by a criminal court he shall be not be punished departmentally on the same charge or on a different charge upon the evidence cited in the criminal case, whether actually led or not, unless -

(a) the criminal charge has failed on technical grounds; or
(b) in the opinion of the Court or of the Superintendent of Police, the prosecution witnesses have been won over; or
(c) the Court has held in its judgment that an offence was actually committed and that suspicion rests upon the police officer concerned; or

(d) the evidence cited in the criminal case discloses facts unconnected with the charge before the court which justify departmental proceedings on a different charge; or
(e) additional evidence admissible under rule 16.25(1) in departmental proceedings is available.

(2) Departmental proceedings admissible under sub-rule (1) may be instituted against Lower Subordinates by the order of the Superintendent of Police but may be taken

against Upper Subordinates only with the sanction of Deputy Inspector-General of Police, and a police officer against whom such action is admissible shall not be deemed to have been honorably acquitted for the purpose of rule 7.3 of the Civil Services Rules (Punjab), Volume I, Part I.”

The aforementioned Rule prohibits initiation of departmental proceedings against an employee who has been tried and acquitted by a criminal Court. The said Rule has no applicability in the present case. Although the reason for rejection of the request for reinstatement may be erroneous, the order has to be upheld on the ground that there is no Rule providing for reinstatement upon acquittal in a criminal case. At least, none has been brought to my notice.

For the aforementioned reasons, the writ petition has no merit and is dismissed.

February 11, 2021
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(SUDHIR MITTAL)
JUDGE

Whether Speaking/Reasoned **Yes**

Whether Reportable **No**

