

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

114

CWP-1393-2023

Date of Decision: 20.07.2023

Sarabjit Singh

...Petitioner

Versus

Union of India and Others

...Respondents

CORAM: HON'BLE MR. JUSTICE JAGMOHAN BANSAL

Present:- Mr. Nikhil Anand, Advocate for the petitioner

Mr. Indresh Goel, Senior Panel Counsel
for Union of India-respondents

JAGMOHAN BANSAL, J. (Oral)

1. The petitioner through instant petition under Articles 226/227 of the Constitution of India is seeking setting aside of order dated 28.12.2018 (Annexure P-16) whereby the petitioner was awarded punishment of dismissal from service; orders dated 08.05.2019 (Annexure P-18) and 24.05.2022 (Annexure P-21) whereby appeal and thereafter revision petition of the petitioner has been dismissed.

2. Learned counsel for the petitioner *inter alia* contends that petitioner was dismissed from service on the sole ground that an FIR has been registered against him. The authorities did not think it appropriate to await outcome of the trial, however, proceeded to award harsh punishment of dismissal from service. The petitioner has been acquitted vide judgment dated 10.03.2021 passed by Additional Sessions Judge,

Tarn Taran and against the said judgment State has filed appeal bearing No. *CRA-D-244 of 2021* before this Court. The operation of judgment of acquittal has not been stayed, thus, matter of dismissal from service needs to be reconsidered by the respondent-authorities.

3. Mr. Indresh Goel, Advocate who on advance notice is present in Court for the respondents, submits that services of the petitioner have been terminated on account of his involvement in a criminal case under Section 302 of IPC. At the time of passing of impugned orders, trial was pending. He fairly submits that authorities had passed order without considering judgment of acquittal, thus, matter needs to be re-examined.

4. On being asked, both the counsels agree on the arrangement that impugned appellate order and order passed by revisionary authority be set aside and appellate authority be directed to pass afresh order after considering order of acquittal dated 10.03.2021 passed by Additional Sessions Judge, Tarn Taran.

5. In view of afore-stated facts and circumstances as well as statements of both sides, impugned appellate order dated 08.05.2019 (Annexure P-18) and revisionary order dated 24.05.2022 (Annexure P-21) are hereby set aside and matter is remanded back to the appellate authority to pass order afresh after considering judgment of acquittal passed by Additional Sessions Judge, Tarn Taran.

The appellate authority is requested to decide appeal of the petitioner expeditiously and preferably within 3 months from today.

Disposed of in aforesaid terms.

(JAGMOHAN BANSAL)
JUDGE

20.07.2023
Mohit Kumar

<i>Whether speaking/reasoned</i>	<i>Yes/No</i>
<i>Whether reportable</i>	<i>Yes/No</i>