

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

LPA-780-2023 (O&M)

Date of decision: 07.11.2023

Punjab Financial Corporation

...Appellant

Vs.

Dinesh Saini @ Devi Dass Saini and others

...Respondents

**CORAM: HON'BLE MS. JUSTICE RITU BAHRI, ACTING CHIEF JUSTICE
HON'BLE MR. JUSTICE AMAN CHAUDHARY**

**Present: Mr. G.S. Bal, Senior Advocate,
with Mr. Dilshad S. Gill, Advocate,
for the appellant.**

Ritu Bahri, Acting Chief Justice

1. The instant appeal, under Clause X of the Letters Patent Appeal, is against the judgment dated 16.03.2023 passed by the learned Single Bench of this Court, whereby petition (CWP-28298-2013) filed by petitioner-respondents has been allowed and the respondent-corporation (appellant herein) has been directed to release terminal benefits to the petitioner-respondents.

2. Petitioner-respondents were working with the appellant-corporation and had retired in the years 2017 and 2019 respectively. They were booked under two different FIRs for the offence punishable under the Prevention of Corruption Act. Consequent upon registration of the FIRs, the respondents were suspended by the corporation. However, the respondents were acquitted in both the FIRs. In one of the FIR bearing

The said appeal is lying admitted before this Court.

3. The petitioner-respondents were reinstated by the appellant-corporation. However, they were not given the consequential benefits along with arrears from the date of their suspension i.e. 07.05.1992 till reinstatement. Feeling aggrieved by the decision of the appellant-corporation, the petitioners filed writ petition before this Court.

4. The learned Single Bench, vide judgment dated 16.03.2023, allowed the petition by referring to the judgments passed by Hon'ble the Supreme Court in Chandra Singh vs. State of Rajasthan and another, (2003) 6 Supreme Court Cases 545 and Bhagirathi Jaina vs. Board of Directors OSFG, (1999) 3 Supreme Court Cases 666. Further reference has been made to the decisions given by this Court in S.C. Jain vs. Managing Director Confed, CWP-15247-2011 (decided on 22.05.2013), Aneep Dewan and others vs. Punjab Financial Corporation, CWP-16403-2010 (decided on 03.02.2012) and Shashi Kumar vs. Uttri Haryana Bijli Vitran Nigam and another, CWP-14375-2003 (decided on 07.12.2004). While allowing the petition, learned Single Judge has observed that the respondent-corporation (appellant herein), in the event the petitioner-respondents being convicted by the Appellate Court, can proceed for recovery of the retiral benefits/arrears by filing a civil suit. The department cannot be allowed to arrest the benefits admissible to the petitioners on their reinstatement and consequential terminal benefits merely on the apprehension that the Appellate Court having granted leave to appeal may hold petitioners guilty and convict them.

5. Learned counsel for the appellant-corporation has not been able to cite any case law on the proposition that during the pendency of the

criminal appeal, the department can deny payment of arrears upon reinstatement of the employee after his/her acquittal in a criminal case.

6. After going through the contents of appeal as well as the impugned judgment, this Court is of the view that the orders dated 04.09.2013 and 25.09.2013 have been rightly quashed by learned Single Judge and the appellant-corporation has been directed to release terminal benefits to the petitioner-respondents along with interest @ 6% per annum. Hence, no ground is made out to interfere in the well reasoned judgment passed by learned Single Judge.

7. Resultantly, finding no merits, present appeal stands dismissed.

(RITU BAHRI)
ACTING CHIEF JUSTICE

(AMAN CHAUDHARY)
JUDGE

07.11.2023

ajp

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No