

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

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CWP No. 17132-2014 (O&M)
Decided on : 14.11.2023

Arun Kumar Sharma . . .Petitioner

Versus

State of Haryana and others . . . Respondents

CORAM: HON'BLE MR. JUSTICE HARSIMRAN SINGH SETHI

PRESENT: Mr. Sunil Kumar Bhardwaj,, Advocate for the petitioner.

Mr. Saurabh Mohunta, DAG, Haryana.

HARSIMRAN SINGH SETHI , J. (Oral)

1. In the present petition, the grievance which is being raised by the petitioner is qua the order dated 19.10.2007 (Annexure P-6) by which the petitioner was imposed the punishment of censure in the departmental proceedings as well as the order passed in appeal dated 09.02.2011 (Annexure P-9) by which the said punishment of censure has been upheld and the order dated 21.06.2010 (Annexure P-7) by which, the prayer for the grant of full benefits during the period of suspension has been declined.

2. As per the facts mentioned in the petition, the petitioner was appointed as Agriculture Development Officer on 05.11.1979. While the petitioner was posted as Technical Assistant in the Quality Control Laboratory, Panchkula, the petitioner attained the age of superannuation and

retired on 31.10.2013.

3. During the service career, a complaint was received against the petitioner, in the year 2001, levelling certain allegations with regard to illegal gratification and demand of bribe.

4. On the basis of said complaint, an FIR No. 202 dated 31.05.2002 was registered against the petitioner and the petitioner was suspended from service vide order dated 19.06.2002. The petitioner continued under suspension till he was re-instated on 28.02.2003. As, in the criminal proceedings, the charges were framed against the petitioner, the petitioner was again put under suspension.

5. A departmental proceeding was also initiated against the petitioner by serving upon him a charge-sheet dated 13.12.2002. The enquiry was got conducted and keeping in view the facts that the some of the allegations were proved, the petitioner was imposed the punishment of censure by order dated 19.10.2007 (Annexure P-6).

6. The petitioner did not file an appeal against the said order of punishment.

7. In the meantime, the petitioner was acquitted in the criminal case and after the acquittal, the petitioner demanded the full benefits for the period, the petitioner had remained under suspension which benefits were declined to the petitioner vide impugned order dated 21.06.2010 (Annexure P-7). Later on, the petitioner has filed an appeal against the said order which was also dismissed on 09.02.2011, copy of which has been appended as Annexure P-9, which orders have been impugned in the present petition.

8. Learned counsel for the petitioner argues that once on the same allegations, the petitioner has been acquitted, allowing the plea of guilt in the departmental proceedings qua the petitioner is not justified. Learned counsel

for the petitioner further submits that as per the findings recorded by the criminal Court, the charges could not be proved beyond doubt and hence, the petitioner is deemed to have been acquitted in the departmental proceedings also.

9. Per contra, learned State counsel submits that the procedure evidence to be adopted for proving the charges in a criminal proceedings is entirely different as compared to the disciplinary proceedings and in the present case, the punishment of censure has already been imposed upon the petitioner in the departmental proceedings after proving of the charges vide order dated 19.10.2007 (Annexure P-6), which order has already attained finality and therefore, the grant of benefit for treating the suspension period of the petitioner as a duty period for the grant of full pay cannot be allowed.

10. I have heard learned counsel for the parties and have gone through the case file with their able assistance.

11. It is a settled principle of law that the evidence which is required for proving a charge in the departmental proceeding is to be treated in a different manner as compared to the criminal proceedings. The charge before the departmental proceedings can be proved on probability also whereas, for proving the charge in a criminal case, the charge has to be proved beyond the reasonable doubt. Hence, merely that the petitioner has been acquitted in the criminal case does not mean that the departmental proceedings which had already attained finality, are liable to be re-opened so as to set-aside the order of the charge and the punishment imposed.

12. It is a settled principle of law that even after the acquittal from a criminal case, the department has full right to initiate departmental proceedings on the same allegations.

13. Hence, the claim of the petitioner that merely he has been

acquitted from the criminal proceedings., would render the departmental proceedings as null and void cannot be accepted.

14. Keeping in view the above, no ground is made out for the grant of the benefit as claimed in the present petition, accordingly, the present petition stands dismissed.

15. Dismissed.

16. Civil miscellaneous application pending, if any, is also disposed of.

(HARSIMRAN SINGH SETHI)
JUDGE

14.11.2023

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Whether speaking/reasoned: Yes/~~No~~

Whether Reportable: ~~Yes~~/No