

**CM-4152-53-LPA-2024 in/and
LPA-1758-2024**

2024.PHHC.127454-DB



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

**CM-4152-53-LPA-2024 in/and
LPA-1758-2024
Date of Decision: September 25, 2024**

GANESH JAT Appellant

Versus

UNION OF INDIA AND OTHERS Respondents

**CORAM:- HON'BLE MRS. JUSTICE LISA GILL
HON'BLE MRS. JUSTICE SUKHVINDER KAUR**

Present: Mr. Rajeev Anand, Advocate for the appellant.

Mr. Rakesh Verma, Senior Panel Counsel for respondents.

LISA GILL, J.

1. Prayer in this appeal is for setting aside order dated 07.02.2023 passed by learned Single Judge whereby CWP-2415-2023 filed by appellant (writ petitioner) was dismissed.

2. Appellant filed above said writ petition for setting aside orders dated 02.01.2023 and 13.01.2022. Appellant, who had joined Central Reserve Police Force on 10.04.2013 as Constable was arrested in FIR No. 167/2015 under Sections 380 and 511 IPC registered at Police Station Partap Nagar, Jaipur, Rajasthan. He was suspended vide order dated 29.04.2015 w.e.f. 23.03.2015. He was also charge sheeted on 23.06.2015 for not disclosing the information in question. Appellant was yet again involved in another FIR No.

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92/2015 under Sections 380 and 457 IPC registered at Police Station Fagi, Jaipur, Rajasthan. He was released on regular bail in August, 2015. He submitted his reply in response to notice dated 23.06.2015. It is claimed that on 18.09.2015, his suspension order was revoked and appellant was taken back in service but on the same date, notice of termination from service was issued to him under Rule 5(1) of Central Civil Services (Temporary Service) Rules, 1965 to the effect that his services shall stand terminated with effect from the date of expiry of 30 days from the date of service of notice. Appeal filed by appellant challenging his termination was dismissed vide order dated 19.10.2016.

3. Pursuant to his acquittal in both the cases vide judgments dated 10.05.2017 and 26.02.2021, appellant submitted representation on 08.09.2021 seeking reinstatement on the basis of his acquittal. However, vide order dated 13.01.2022 his representation was rejected. Appellant further approached Director General, Central Reserve Police Force on 09.03.2022 under Rule 30 of CRPF Rules, 1995. His representation was rejected vide order dated 02.01.2023 pursuant to order dated 18.10.2022 passed in CWP-23997-2022.

4. Aggrieved therefrom, CWP-2415-2023 was filed, which has been dismissed by learned Single Bench while specifically observing that termination order dated 18.09.2015 is not stigmatic. It is further observed that though charge sheet dated 23.06.2015 was served upon him for alleged misconduct of not intimating the Department about his arrest, said inquiry proceedings were withdrawn. Aggrieved of decision dated 07.02.2023, present appeal has been filed.

5. Learned counsel for appellant vehemently argues that once appellant had been acquitted in both FIRs registered against him, the very basis

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of termination of his service is removed, therefore, it was incumbent upon respondent – authorities to have reinstated the appellant. It is further submitted that question whether acquittal is on the basis of benefit of doubt extended to the appellant or an honourable one is irrelevant in this situation.

6. Learned counsel for respondents (on advance notice) has opposed the appeal while submitting that order passed by learned Single Bench has been passed after proper consideration of the fact and circumstances of the matter. Dismissal of appeal has been prayed for.

7. Having heard learned counsel for parties and perusing the file, we do not find any ground whatsoever to cause interference in this matter.

8. The factual aspect as narrated above is not in dispute. Admittedly, appellant was on probation at the relevant time. Perusal of order dated 18.09.2015 reveals that it is indeed a non-stigmatic order whereby services of the appellant have simplicitor been terminated with effect from the date of expiry of one month from the date of service of notice. Mere acquittal of appellant in criminal cases against him does not vest him with a right to seek reinstatement. Appellate Authority vide detailed order dated 19.10.2016 correctly dismissed the appeal filed by appellant. Said orders dated 18.09.2015 and 19.10.2016 were never challenged by the appellant. After his acquittal, he submitted representation dated 08.09.2021 for reinstatement. It is undeniable that said delay is inexplicable. Merely to say that cause of action arose only after acquittal of the appellant is devoid of any merit. Competent authorities had found the appellant unworthy of being a member of Disciplined force and had accordingly, terminated his services.

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9. Learned counsel for appellant is unable to point out any infirmity or irregularity in impugned order dated 07.02.2023 which calls for interference.
10. No other argument has been raised.
11. In the given facts and circumstances as above, impugned order dated 07.02.2023 is upheld. Appeal is, accordingly, dismissed being devoid of any merit.
12. As the matter has been considered and decided on merits, adjudication upon applications seeking condonation of delay of 445 days in re-filing and 20 days in filing the appeal, are rendered academic. Applications are disposed of accordingly.

**(LISA GILL)
JUDGE**

**(SUKHVINDER KAUR)
JUDGE**

September 25, 2024
Rts

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