

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

CWP-18889-2021 (O&M)
Date of decision: 14.08.2024

Surender Kumar Dholia

...Petitioner

Versus

State of Haryana and others

...Respondents

CORAM: HON'BLE MR. JUSTICE AMAN CHAUDHARY

Present : Mr. Nihal S. Choudhary and
Mr. Parveen Chauhan, Advocates for the petitioner.

Mr. Dushyant Saharan, AAG, Haryana.

AMAN CHAUDHARY, J.

1. The undisputed factual matrix remains that the petitioner, while working on a Class IV post of Cow Herd, got involved in FIR No.265 dated 23.06.1999, under Section 302/34 IPC, along with Sat Narain and Anil Kumar, wherein on being convicted by the trial Court, he was dismissed from service on 22.07.2002, however no disciplinary proceedings had been initiated. This Court, vide judgment dated 11.07.2014, Annexure P-1, acquitted him and the others observing that, “The net result is that the guilt of the accused is not proved beyond all reasonable doubts...”. Consequent thereto, he was reinstated vide order dated 28.11.2017, Annexure P-3, with immediate effect, *albeit* no reasons were mentioned for he not being entitled to the back wages for the period he had remained out of service.

2. Pertinently, averments made in para 13 of the writ petition, which stand admitted in the written statement, it has been averred that similarly situated employees, working as Baildar and Shepherd, who were also convicted for offences under Section 302/34 IPC but later came to be acquitted by this Court vide judgment dated 10.12.2012, were reinstated

alongwith back wages, by treating the period between dismissal and reinstatement, as on duty for all intents and purposes, vide orders dated 05.08.2015 and 07.08.2015, passed on basis of the opinion rendered by the Law and Legislative Department, Government Haryana on 12.12.2014. However, the Department has adopted different yardsticks qua the similarly situated.

3. The petitioner was kept out of work, despite his honourable acquittal on 11.07.2014 and came to be reinstated only on 28.11.2017 due to the snail-paced approach of the Department, for which he could not have been denied the monetary benefits for the said period, in light of the judgments by Hon’ble the Supreme Court in **Union of India vs. Jaipal Singh**¹, wherein the respondent, was held entitled to backwages from the date he was acquitted by the appellate Court for offence under Section 302 IPC, till reinstated by the High Court and in **Raj Narain vs. Union of India**², the appellant, who was acquitted of the offences under Sections 409, 467 and 420 IPC by the High Court was held entitled to back wages from the date of acquittal.

4. On the anvil of the aforesaid and as a fall out thereof, the respondents are directed to grant the petitioner full salary from the date of his acquittal, i.e. 11.07.2014 till his reinstatement, within a period of two months.

5. Disposed of accordingly.

14.08.2024
Hemant

(AMAN CHAUDHARY)
JUDGE

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

¹ (2004) 1 SCC 121
² (2019) 5 SCC 809
HAMANT
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I attest to the accuracy and
integrity of this order/judgment