

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

104

2024:PHHC:024689-DB
LPA-2130-2023 (O & M)
Date of Decision: 22.02.2024

Managing Director, Uttar Haryana Bijli Vitran Nigam Ltd. and others
.....Appellant(s)

Versus

Inderjit Singh
....Respondent(s)

**CORAM: HON'BLE MR. JUSTICE G.S.SANDHAWALIA,
ACTING CHIEF JUSTICE
HON'BLE MS. JUSTICE LAPITA BANERJI**

Present: Mr. Deepak Balyan, Addl. A.G., Haryana.

G.S.SANDHAWALIA, ACTING CHIEF JUSTICE (Oral)

CM-5333-LPA-2023

1. Application for condonation of delay of 45 days in refiling the appeal is allowed, in view of averments made in the application duly supported by affidavit of official of the appellant.
2. Delay of 45 days in refiling the appeal is condoned.
3. CM stands disposed of.

CM-5334-LPA-2023

4. Application for condonation of delay of 28 days in filing the appeal is allowed, in view of averments made in the application duly supported by affidavit of official of the appellant.
5. Delay of 28 days in filing the appeal is condoned.
6. CM stands disposed of.

LPA-2130-2023 (O & M)

7. Consideration in the present letters patent appeal is to the order dated 26.07.2023 passed by the learned Single Judge in CWP-2040-2019, Inderjit Singh vs. UHBVN and others.
8. The learned Single Judge allowed the writ petition and the orders under

were quashed while issuing directions that the suspension period from 25.06.2012 to 02.04.2013 needed to be treated as duty period for all intents and purposes including pay and allowances. Keeping in view the fact that the employee had been acquitted and exonerated in the regular inquiry in the departmental proceedings, the necessary financial benefits were also allowed alongwith interest @6% per annum. Reliance was placed upon the judgment rendered by the Division Bench in **LPA-897-2017, UHBVN Ltd. and others vs. Jagdish Lal** decided on 11.05.2022, authored by one of us (G.S. Sandhawalia, J.).

9. The principal reason as such of the writ petition being allowed, as noticed above, is that the writ petitioner-appellant had been acquitted in FIR No. 14 dated 25.06.2012 under the provisions of the Prevention of Corruption Act, 1988 which had necessarily arisen out of the fact that the government employee was prosecuted in the said FIR only on account of his work responsibility and while working with the appellants. Vide the impugned order dated 29.09.2015 (Annexure P-3), which was subject matter of challenge before the learned Single Judge, the benefits for the said period had been denied on the ground that the workman had been acquitted by the criminal Court by giving benefit of doubt and not otherwise and, therefore, the period was regularized only for the purpose of continuity of service for the disbursement of pensionary benefits without any financial benefits. The appeal had also been dismissed by the Chief Engineer of the appellant vide order dated 14.12.2018 (Annexure P-6) by placing reliance upon various judgments which hold the field as such and on the principle of 'no work no pay'. It has also been noticed that the departmental charge sheet dated 22.11.2012 and the order dated 29.09.2015 had been issued whereby the competent authority had decided to drop the charge sheet after issuing letter of warning to be more careful in future.

10. Apparently, Enquiry Officer's report dated 20.07.2015 which has also been placed on record as Annexure P-2. would go on to show that the Enquiry Officer came to the conclusion that the charges were not proved and all the work formalities had been completed without any delay and there is no demand of illegal gratification by the charged employee. This aspect was not taken into consideration by the authorities while passing the impugned orders.

11. In *Jagdish Lal's case (supra)*, the same issue was subject matter of consideration, considering the same judgments which were relied upon by the authorities. Accordingly, it was noticed that there was exoneration both on the criminal side and on the departmental side and the employee was doing his work on the basis of which he was involved in the criminal case on account of alleged misconduct and the demand raised for illegal gratification had never been proved and also not proved before the criminal Court or in the departmental proceedings. On account of exoneration, Rule 7.5 of the Civil Services Rules, Vol. I, Part-I was accordingly discussed which talks about the officer's liability under the circumstances beyond his control and, therefore, the denial of back wages for the period as such cannot be held to be justified. In the said case also, we had granted interest @ 6% per annum. It is also to be noticed that SLP (Civil) Diary No. 25462 of 2022 against the said judgment was also dismissed on 24.03.2023, however, leaving the question of law open. The learned Single Judge has, thus, followed the binding precedent.

12. Accordingly, no fault can be found in the order of the learned Single Judge and the present appeal stands dismissed.

(G.S. SANDHAWALIA)
ACTING CHIEF JUSTICE

22.02.2024

shivani

(LAPITA BANERJI)
JUDGE

Whether reasoned/speaking

Yes

Whether reportable

No