



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

(Sr. No. 106)

LPA No.3078 of 2024 (O&M)

Date of decision: 20.12.2024

State of Haryana and others

..... Appellants

Versus

Ishwar Singh

..... Respondent

**CORAM : HON'BLE MR. JUSTICE DEEPAK SIBAL
HON'BLE MR. JUSTICE DEEPAK MANCHANDA**

Present : Mr. Sanjeev Kaushik, Addl. A. G., Haryana for the appellants.

* * *

DEEPAK SIBAL, J. (Oral)

(1) The respondent was serving as a Clerk in the Transport Department, Haryana. On 11.04.2013, his juniors were promoted as Assistants but the respondent was ignored as FIR No.27 dated 17.01.2012 under Sections 379, 420, 468, 471 and 120-B IPC registered in Police Station – City Yamuna Nagar was pending against him.

(2) On 17.01.2018, the respondent was acquitted in the afore referred FIR and such acquittal attained finality.

(3) On 12.11.2020 the departmental proceedings pending against the respondent, on the same facts as in the aforesaid FIR, on account of his acquittal by the Criminal Court, were dropped by the State and on 22.12.2020, the respondent was notionally promoted as Assistant with effect from the date his juniors had earlier been promoted as Assistants. However, no arrears were paid to him. These arrears were claimed by him through filing a petition before this Court which was partly allowed in terms of the



law laid down by the Supreme Court in ***Raj Narain Vs. Union of India and others, (2019) 5 SCC 809***. Consequently, the respondent was granted arrears with effect from the date of his acquittal in the criminal case.

(4) Before us, learned counsel for the appellant did not dispute the afore facts. He also could not distinguish the law laid down by the Supreme Court in ***Raj Narain's*** case (supra). Therefore, we find no error in the impugned judgment especially when it is not disputed that the respondent's acquittal in the criminal case lodged against him was after considering the entire case of the prosecution and that the departmental proceedings in the year 2020 were dropped only on account of the respondent's acquittal in the criminal case.

(5) Dismissed.

(6) All pending miscellaneous application(s), if any, also stand disposed of.

(DEEPAK SIBAL)
JUDGE

20.12.2024

sunil yadav

(DEEPAK MANCHANDA)
JUDGE

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