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

CWP-10915-2025

Date of Decision: 08.07.2025

AJAY KUMAR

..... Petitioner

Versus

STATE OF HARYANA AND OTHERS

..... Respondents

CORAM: HON'BLE MR. JUSTICE JAGMOHAN BANSAL

Present : Mr. Gyan Parkash Saini, Advocate
for the petitioner.

Mr. Raman Sharma, Addl. AG, Haryana.

Mr. Himanshu Bindal, Advocate
for respondents No.2 to 4.

JAGMOHAN BANSAL, J. (Oral)

1. The petitioner through instant petition under Articles 226/227 of the Constitution of India is seeking direction to respondent to reinstate him in service and grant benefit of back wages.

2. The petitioner is the part of Municipal Corporation, Kaithal. He on account of his involvement in FIR No. 64 dated 13.03.2024, under Sections 363, 366A, 376(2)(n), 376(3) & 120B of IPC, 1860 and Sections 4(2) & 6 of POCSO Act, 2012 registered at Police Station Kalayat, District Kaithal was placed under suspension. He was holding post of Safai Sewak. The Investigating Officer after completing investigation filed its report before the Trial Court. The prosecutrix tendered her statement on 21.10.2024 before the Trial Court. She did not support case of prosecution. On the ground that prosecutrix has not supported case of



prosecution, the petitioner submitted representation dated 12.12.2024 (Annexure P-6) seeking reinstatement but to no avail.

3. Learned counsel for the petitioner submits that as prosecutrix has not supported case of petitioner, thus, he deserves to be reinstated.

4. It is undisputed fact that petitioner is still facing trial under Section 376 of IPC and Section 6 of POCSO Act. The petitioner is involved in serious offences. Trial has not concluded. As per petitioner, the prosecutrix has not supported case of prosecution. On the said basis, at this stage, it cannot be concluded that petitioner stands acquitted or he was implicated in a false case.

5. In the absence of any particular Rule enjoining the respondent to reinstate a suspended employee in a such like situation, this Court cannot direct respondent to reinstate the petitioner.

6. Dismissed.

(JAGMOHAN BANSAL)
JUDGE

08.07.2025

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Whether speaking/reasoned	Yes/No
Whether Reportable	Yes/No