



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

**LPA No.1542 of 2025 (O&M)
Date of Decision: 21.05.2025**

Union of India and others

.....Appellants.

Versus

Rajneesh

.....Respondent.

CORAM: ***HON'BLE MR. JUSTICE SANJEEV PRAKASH SHARMA***
 HON'BLE MRS. JUSTICE MEENAKSHI I. MEHTA

Present:- Ms. Anita Balyan, Senior Panel Counsel, UOI
 for the appellants.

Mr. Vikas Chatrath, Advocate
for the respondent.

SANJEEV PRAKASH SHARMA, J.(Oral)

CM No.3774-LPA of 2025

For the reasons stated in the present application, the same is allowed and the delay of 42 days in filing the appeal is condoned.

LPA No.1542 of 2025

1. The appeal assails the judgment dated 22.01.2025 passed by the learned Single Judge in ***CWP No.5793 of 2024*** titled as “***Rajneesh Vs. Union of India and others***” whereby the learned Single Judge has allowed the writ petition relying on the judgments passed by the Hon’ble Supreme Court in ***Ravindra Kumar Vs. State of U.P. and others, 2024(5) SCC 264,***



Mohammed Imran Vs. State of Maharashtra and others, 2019(17) SCC 696 and Avtar Singh Vs. Union of India and others, 2016(3) S.C.T. 672.

2. Learned counsel for the appellants submits that the case of the writ-petitioner was distinguished to the cases which were considered by the Apex Court and the petitioner had concealed about the FIR No.348 dated 23.10.2020 under Section 25 of the Arms Act, 1959 registered against him at Police Station, Murthal, District Sonipat and, therefore, he could not have been directed to be offered appointment and the consequential benefits. The State was correct in denying employment to the writ petitioner.

3. We have noticed that the learned Single Judge after having considered the law as laid down in the afore-said judgments examined the case on merits and found that as per the respondents (appellants herein), when the writ-petitioner had joined on 14.11.2023 pursuant to the appointment letter dated 28.08.2023, he had disclosed about there being a criminal case registered against him on 23.10.2020 wherein he had been acquitted by the Chief Judicial Magistrate, Sonipat vide judgment dated 30.10.2023.

4. Thus, we find that before joining his services on 14.11.2023, the writ-petitioner had already been acquitted of the charge under Section 25 of the Arms Act, 1959. Taking into consideration the said aspect and the law as settled by the Hon'ble Supreme Court in *Ravindra Kumar (supra)*, the learned Single Judge has proceeded to hold as under:-

“9. Undisputedly, neither opportunity of hearing was granted to the petitioner nor the scope and



applicability of the guidelines have been discussed. Still further, the said guidelines also contain a proviso that a candidate does not get debarred if he or she has been finally acquitted. Hence, a registration of a case is not a bar against an appointment or even when he is convicted in minor offences mentioned in Chapter VIII or X of the Code of Criminal Procedure, 1973. All these aspects were thus required to be considered before terminating the service.

*10. Taking into consideration the totality of the circumstances and a fair statement of the learned counsel for the respondent regarding the applicability of the judgment of the Hon'ble Supreme Court in the matter of **Ravindra Kumar (supra)**, and the same having not been followed, the present writ petition is allowed. The impugned order dated 14.12.2023 is hereby set aside. Liberty is, however, granted to the respondents to take a fresh decision, as per law and considering the guidelines issued by the Government subject to the respondents initiating any proceedings afresh, if they so desire. The respondents are directed to accept the joining of the petitioner subject to verification of the documents, if already received by them, within a period of three months of receipt of a certified copy of the order passed by this Court. However, the petitioner shall not be entitled to the arrears of salary for the above said period but the period shall be computed towards consequential benefits and seniority would be placed at appropriate place having regard to merit of the petitioner.”*



5. Keeping in view the above, we do not find any reason to differ from the view expressed by the learned Single Judge. The present appeal is, accordingly, dismissed.

6. Pending civil misc. application also stands disposed of.

(SANJEEV PRAKASH SHARMA)
JUDGE

(MEENAKSHI I. MEHTA)
JUDGE

May 21, 2025
Yag Dutt

Whether speaking/reasoned: *Yes/No*
Whether Reportable: *Yes/No*