

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

RSA-1651-2022 (O&M)
Reserved on: 25.09.2025
Date of decision: 14.11.2025

PUNJAB STATE POWER CORPORATION LTD. & ORS

..Appellants

Versus

BALDEV SINGH

..Respondent

CORAM: HON'BLE MRS. JUSTICE SUDEEPTI SHARMA

Present: Dr. Swatantar Kapoor, Advocate
for the appellants.

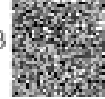
Mr. Basant Sharma, Advocate
for respondent.

SUDEEPTI SHARMA, J.

1. The present regular second appeal is preferred against judgment and decree dated 21.02.2022, passed by learned District Judge, Patiala, whereby, the appeal filed by respondent against judgment and decree dated 18.09.2019, passed by learned Civil Judge (Junior Division), Patiala was allowed.

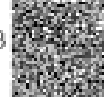
BRIEF FACTS OF THE CASE

2. Brief facts of the case as per the pleadings in the civil suit are that respondent joined services of appellant in the year 1976. He was appointed as a driver on work charge basis in the year 1983. Thereafter, he was promoted as driver vide order dated 25.06.1983 on regular basis. He retired from service on 30.06.2014. FIR No.141 dated 19.11.2003 under



Section 279/427/304-A IPC was registered against him with regard to accident, which took place during the course of his employment. He was convicted under Section 279, 304-A IPC by Sub-Divisional Judicial Magistrate, Malerkotla, vide judgment dated 25.01.2008 in the said case. Consequent, to the conviction of respondent under Section 279 and 304-A IPC, the Deputy Chief Engineer, TRW Division, Patiala, dismissed respondent from service vide order dated 07.03.2008. At the time of dismissal of respondent from service, his appeal against judgment of conviction and order of sentence was pending before learned Sessions Judge, Sangrur. However, during the pending of said appeal, respondent filed a petition under Section 482 Cr.P.C. for quashing of FIR and consequential proceedings on the basis of compromise between respondent and Baldev Singh son of Amar Singh. The High Court allowed the said petition and allowed the parties to compound the offence. Consequently, learned Sessions Judge, Sangrur allowed the appeal filed by the respondent vide judgment dated 28.05.2011. After acquittal of respondent by the Court of Sessions, he moved an application on 08.08.2011 for reinstatement in service. The Superintendent Engineer, TRW Circle, PSPCL, Patiala, vide order dated 20.03.2012 reinstated the respondent into service. His period of absence from duty was ordered to be regularized as mentioned below:-

- i) The period from the date of dismissal upto date of judgment of acquittal i.e. 28.05.2011 was ordered to be treated as non-duty period because respondent was under sentence during the said period.
- ii) The period with effect from 28.05.2011 upto the date of joining was ordered to be treated as leave of kind due

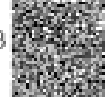


on the ground that appellant was not at fault as appellant was not party to the proceedings.

3. After reinstatement into service, respondent joined the duties on 22.03.2012. He filed representation stating therein that his period with effect from 07.03.2008 to 29.05.2011 be treated as period spent on duty and similarly period with effect from 29.05.2011 till date of joining should also be treated as period spent on duty. His representation was rejected by Chief Engineer, Stores and Workshop, PSPCL, Ludhiana, vide letter dated 21.01.2015.

4. He filed civil suit seeking declaration to the effect that action of appellant of not treating the period of dismissal/suspension of respondent with effect from 07.03.2008 to 28.05.2011 as duty period for pay and allowances and pensionary benefits and further treating the period with effect from 29.05.2011 to 21.03.2012 as leave of kind due instead of treating it as duty period are illegal, null and void and violative of principles of natural justice. He further claimed declaration that he is entitled to get all consequential benefits as if he had been on duty during the said period and claimed mandatory injunction directing the appellant to treat the said period as duty period and to release the consequential benefits along with interest at the rate of 18%. The civil suit filed by him was dismissed by learned Civil Judge (Junior Division), Patiala vide judgment and decree dated 18.09.2019 and appeal filed by him against the same was allowed by learned District Judge, Patiala, vide judgment and decree dated 21.02.2022.

5. Hence, the present Regular Second Appeal.

**SUBMISSIONS OF LEARNED COUNSEL FOR THE PARTIES:-**

6. Learned counsel for the appellants contends that learned District Judge, Patiala while allowing the appeal of respondent vide judgment and decree dated 21.02.2022 did not appreciate the evidence on record.

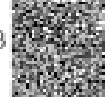
7. She relies upon judgment passed by Hon'ble Supreme Court in **Airports Authority of India Vs. Pradip Kumar Banerjee, 2025(4) SCC 111**, to contend that acquittal in criminal case on benefit of doubt does not preclude departmental action and findings in criminal proceedings are not binding on disciplinary authorities unless acquittal is honorably based on innocence.

8. She relies upon judgment passed by Hon'ble Supreme Court in **The State of Rajasthan and others Vs. Love Kush Meena, Civil Appeal No.3894 of 2020, decided on 24.03.2021** and **Imtiyaz Ahmad Malla Vs. The State of Jammu and Kashmir and others, Special Leave Petition (C) No.678 of 2021, decided on 28.02.2023**, wherein, Hon'ble Supreme Court has explained the meaning of honorable acquittal and acquittal on the basis of benefit of doubt.

9. She further contends that the department was not even party to the criminal trial. She, therefore, prays that the present appeal be allowed.

10. Per contra, learned counsel for respondent contends that appeal filed by respondent against judgment and decree dated 18.09.2019 passed by learned Civil Judge (Junior Division), Patiala was wrongly allowed vide judgment and decree dated 21.02.2022 passed by learned District Judge, Patiala.

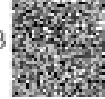
11. He relies upon judgment passed by Hon'ble Supreme Court in **B.D. Gupta Vs. State of Haryana, 1973(3) SCC 149** to contend that any



order adversely affecting the financial position of an employee must be passed after objective consideration, assessment of all relevant facts, and after providing the employee a full opportunity to present their case.

12. He further relies upon judgment passed by this Court in **Shiv Kumar Goel Vs. State of Haryana and another, 2007(1) PLR 190** to contend that acquittal in criminal proceedings giving benefit of doubt would be considered as Honorable acquittal. If the criminal court recorded finding that there was no evidence to prove the charge of corruption against the charged employee, notwithstanding observations as to acquittal by benefit of doubt, it will be considered honorable acquittal. His benefits of pay and allowance over and above subsistence allowance cannot be forfeited still observing him guilty of the same charges. Even fresh departmental proceedings cannot be initiated against him on the same charges and same evidence. Unless a grave misconduct or great financial loss caused by him is established the retired employee cannot be prosecuted if the proceedings were not initiated before his retirement. Employer cannot treat suspension as non-duty period to forfeit pay of employee and also the authority has to follow the comprehensive procedure laid down in Rule 7.3 for coming to a conclusion as to how the period of suspension is to be treated. After retrenchment, the employer-employee relationship comes to an end, the authority has no jurisdiction to proceed against a retrenched employee.

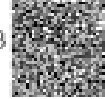
13. He further relies upon judgment passed by this Court in **Bhag Singh Vs. Punjab & Sind Bank, 2006(1) SCT 175** to contend that where the acquittal is for want of any evidence to prove the criminal charge, mere mention of 'benefit of doubt' by the criminal Court is superfluous and baseless. Such an acquittal is an honorable acquittal. The punishing authority



has to apply its mind on the facts of the judgment of the criminal Court and come to its own conclusion as to whether the charge is proved by any incriminating material Employee cannot be punished merely on the basis of observation of 'benefit of doubt' made by the criminal Court or the Enquiry Officer without any basis. He, therefore, prays that the present appeal be dismissed.

14. I have heard learned counsel for the parties and have perused the whole record of the case with their able assistance.

15. The criminal proceedings were initiated against respondent under Section 279 and 304-A IPC. So far as the contention of learned counsel for the appellants that department was not party to the criminal trial is concerned that is not acceptable to this Court since though department was not party to the criminal case but admittedly the respondent was driver with the appellant and accident took place during the course of his employment. After his conviction in criminal trial under Section 279 and 304-A IPC, he preferred an appeal. During the pending of appeal, respondent remained on bail. He could have attended the duties even during the pendency of appeal, however, the competent authority opted to dismiss him from service despite the pendency of his appeal. The respondent was acquitted by the Appellate Court. No doubt, the said acquittal was on the basis of compromise between the respondent and aggrieved party, however, once the respondent has been acquitted in a criminal proceedings, there is nothing to show that respondent was at fault. No departmental/disciplinary proceedings were initiated against the respondent. There is no finding either in criminal proceedings or in the departmental proceedings (which were not even initiated) to show that respondent was at fault for causing accident in question. Once the



respondent was acquitted in criminal proceedings and there is nothing to show that he was ever at fault since no departmental proceedings were initiated against him, therefore, it has been rightly held by learned District Judge, Patiala that he is entitled to get pay and allowances for the period for which he remained out of service on account of his dismissal from service.

16. Now coming to the judgment relied upon by learned counsel for the appellant in **Airports Authority of India's case (supra)**, wherein, the Hon'ble Supreme Court held that acquittal in criminal case on benefit of doubt does not preclude departmental action and findings in criminal proceedings are not binding on disciplinary authorities unless acquittal is honorably based on innocence.

17. The same would not be applicable to the facts and circumstances of the present case since no departmental proceedings were initiated against the respondent.

18. The other judgments referred to by learned counsel for the appellant i.e. **Love Kush Meena's case (supra)** and **Imtiyaz Ahmad Malla's case (supra)** would also be not applicable in the present case. Since in all the judgments, Hon'ble Supreme Court has explained the meaning of honorable acquittal and acquittal on the basis of benefit of doubt. These judgments would have been applicable in the present case in case departmental proceedings would have been initiated against the respondent.

DECISION

19. In view of the above discussion, I do not find any infirmity or illegality in the judgment and decree dated 21.02.2022, passed by learned District Judge, Patiala and the same is hereby upheld.

20. Consequently, the appeal is dismissed. Parties are left to bear their own costs.
21. Decree sheet be drawn.

14.11.2025 (SUDEEPTI SHARMA)
Ayub JUDGE

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