

CWP No. 21322 of 2025 -1-

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

**CWP No. 21322 of 2025
Date of Decision: 01.08.2025**

Subhash Chander alias Subhash Singh

....Petitioner

vs.

State of Haryana and others

....Respondents

CORAM: HON'BLE MR. JUSTICE JAGMOHAN BANSAL

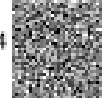
Present: Mr. R.N.Lohan, Advocate
for the petitioner

Ms. Rajni Gupta, Addl. A.G., Haryana

JAGMOHAN BANSAL, J. (ORAL)

1. The petitioner through instant petition under Articles 226/227 of the Constitution of India is seeking setting aside of order dated 16.11.2023 (Annexure P-6) and order dated 12.12.2017 (Annexure P-4) whereby respondent has declared his absence period as *dies-non*.

2. The petitioner is a retired Policeman. In 2005, an FIR No.60 dated 14.03.2025, under Sections 365, 323, 342, 347, 387, 506 and 34 of IPC at Police Station Mahesh Nagar, Ambala District Ambala was registered against him and other police officials. The respondent initiated departmental inquiry against him and he was awarded punishment of dismissal from service vide order dated 17.04.2006. He unsuccessfully preferred appeal as



well as revision before Higher Authorities. He came to be acquitted in aforesaid FIR vide judgment dated 07.08.2014 passed by JMIC, Ambala. The respondent-State preferred an appeal before Sessions Court which came to be dismissed vide order dated 07.03.2015 passed by Ld. Additional Sessions Judge, Ambala. In view of his acquittal, the petitioner preferred petition before Government which came to be allowed by way of remand. The Government vide order dated 17.01.2017 asked the authorities to reconsider case of the petitioner. He came to be reinstated vide order dated 12.12.2017, however, his absence period was declared *dies-non*. He preferred appeal before Government against denial of service benefits for the absence period.

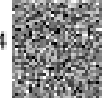
3. Mr. R.N. Lohan, Advocate for the petitioner submits that case of the petitioner is squarely covered by order dated 10.02.2025 passed by this Court in CWP No.2482 of 2025 titled as '**Sukhbeg Singh Vs. State of Haryana and others**' besides judgment in "**Iqbal Singh vs. State of Punjab and others 2024 SCC OnLine P&H 5027**."

4. Notice of motion.

5. Ms. Rajni Gupta, Addl. A.G., Haryana, who on advance notice is present in Court, accepts notice.

6. On the request of both sides, the petition is taken up for final disposal today itself.

7. Ms. Rajni Gupta, Addl. A.G., Haryana submits that petitioner was acquitted on the ground of benefit of doubt. As petitioner was not acquitted honourably, he was liable to be punished. The authorities have



rightly treated absence period as '*dies-non*' as well as denied monetary benefits on the principle of 'no work no pay'.

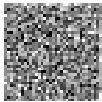
8. I have heard learned counsel for the parties and perused the record with their able assistance.

9. From the perusal of record, it is evident that petitioner has been reinstated on the ground of his acquittal in criminal case. The respondent is taking self-contradictory stand. On one hand, the respondent is claiming that petitioner was not honourably acquitted and on the other reinstated him without any punishment. If the petitioner was not honourably acquitted and his acquittal was on the ground of benefit of doubt, there was no reason to reinstate him in terms of Rule 16.2 read with Rule 16.3 of the Punjab Police Rules, 1934 (as applicable to State of Haryana) (in short "PPR").

10. The petitioner was reinstated vide order dated 12.12.2017 passed by Director General of Police, Haryana and he was acquitted vide judgment dated 07.08.2014 passed by Judicial Magistrate Ist Class, Ambala.

From the perusal of order dated 12.12.2017 passed by Director General of Police, Haryana, it cannot be culled out that petitioner was reinstated considering scope and ambit of Rules 16.2 and 16.3 of PPR. In such circumstances, petitioner could not be denied salary for the entire period he remained out of service.

11. Mr. R.N.Lohan, Advocate submits that grievance of the petitioner would be redressed if he is allowed 50% of his salary for the period from the date of judgment of acquittal to the date of reinstatement and said period is treated on duty.



12. This Court in **Sukhbeg Singh (supra)** has directed the respondent to pay 50% of salary for the period commencing from the date of judgment of acquittal to the date of reinstatement.

Considering the fact that petitioner is claiming salary post his date of acquittal, this Court finds it appropriate to direct the respondent to pay him salary to the extent of 50% for the period from the date of acquittal to the date of reinstatement. The petitioner has been acquitted by trial Court and his ground of dismissal from service was registration of criminal case against him. He remained absent on account of dismissal from service. The period of absence from duty post acquittal is ordered to be counted for continuity of service.

13. Disposed of.
14. Let the needful be done within 3 months from today.

(JAGMOHAN BANSAL)
JUDGE

01.08.2025
paramjit

Whether speaking/reasoned:	Yes	
Whether reportable:		No