



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

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CWP-25293-2021 (O&M)

Date of decision: 08.05.2025

Intpal Singh

....Petitioner

Versus

State of Punjab and Others

...Respondents

CORAM: HON'BLE MR. JUSTICE AMAN CHAUDHARY

Present : Mr. Ankit Bishnoi, Advocate for the petitioner

Mr. Amarpreet Singh Bains, AAG Punjab

AMAN CHAUDHARY, J. (ORAL)

1. Prayer made in the present petition is for quashing the order dated 29.09.2021 vide which the claim of the petitioner for reinstating him into service to the post of Clerk, with full back wages.

2. Learned counsel submits that the petitioner was dismissed from service vide order dated 28.05.2010 passed by the Deputy Commissioner, Barnala solely on ground of he having been convicted in FIR No.52 dated 26.06.2008, registered under Section 18 of NDPS Act, at Police Station Sehna and in the said order at the end, it was observed that the orders passed by Hon'ble High Court will be effective on this order. He stands acquitted of the charges vide judgment dated 12.05.2017, by which the judgment of the trial Court was set aside. His request for reinstatement has been rejected by the Deputy Commissioner on 29.09.2021, Annexure P-6, by referring to his conduct after dismissal, being not good, without therebeing any basis for arriving at such conclusion and observing



his integrity to be suspicious, non-satisfactory work and conduct etc.

3. Needless to say that these were not even allegations, based on which he was dismissed from service, which was simplicitor on account of he having convicted on a criminal charge, of which he was subsequently acquitted, whereafter as per the Instructions dated 05.08.1998 (Annexure P10) issued in terms of the judgment in the case **Deputy Director of Collegiate Edu. (Admn.), Madras vs. S. Nagoor Meera**, 1995(2) SCT 717, in such cases, the matter had to be reviewed.

4. In **State of Punjab and Others vs. Lalit Kumar**, LPA No. 1823 of 2024, dated 11.09.2024, it was observed that the respondent-employee, having been dismissed from service following the registration of an FIR and initially convicted by the Trial Court, was subsequently acquitted by this High Court, wherein his false implication was unequivocally acknowledged; and since the dismissal was predicated upon allegations ultimately declared unfounded, the direction for his reinstatement, accompanied by full back wages and consequential benefits, stands fully justified. With no legal infirmity discernible in the impugned reinstatement order, this remains in consonance with the applicable rules and the overarching principles of fairness and justice.

5. Reliance has been placed on the judgment passed by Hon'ble the Supreme Court in **Ram Lal vs. State of Rajasthan and Others**, 2024 (1) SCC 175, relevant para whereof reads thus:

“Expression like “benefit of doubt” and “honorably acquitted”, used in judgments are not to be understood as magic incantations. A court of law will not be carried away by the mere use of such terminology. In the present case, the Appellate Judge has recorded that Exh. P-3, the original



marksheet carries the date of birth as 21.04.1972 and the same has also been proved by the witnesses examined on behalf of the prosecution. The conclusion that the acquittal in the criminal proceedings was after full consideration of the prosecution evidence and that the prosecution miserably failed to prove the charge can only be arrived at after a reading of the judgment in its entirety. The Court in judicial review is obliged to examine the substance of the judgment and not go by the form of expression used.”

6. He further relies on the judgments in **Shashi Kumar vs. Uttar Haryana Bijli Vitran Nigam Limited and Another**, 2005 (1) S.C.T. 576 and **Bhag Singh vs. Punjab and Sindh Bank**, 2006 (1) SCT 175.

7. The aforesaid facts having been brought out, during the course of hearing, learned State counsel, on instructions, states that the respondents would not be averse to have a relook at the matter and decided afresh, uninfluenced by the order impugned, within a period of 4 months, which this Court has no reason to believe the authorities would not address in a just, fair and reasonable manner.

8. The aforesaid satisfies the learned counsel for the petitioner.

9. The matter stands disposed of accordingly.

(AMAN CHAUDHARY)
JUDGE

08.05.2025

M.Kamra

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