

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION**

WRIT PETITION NO. 3382 OF 2025

Milind Hanumant Shinde

.... Petitioner.

V/s

Union of India and Ors.

.... Respondents.

Mr. Vicky Nagrani, advocate for the petitioner.

Mr. Devvrat Singh with Ms. Sangeeta Yadav, Mr. Umesh Gupta,
advocates for the respondents.

**CORAM : SHREE CHANDRASHEKHAR, CJ &
GAUTAM A. ANKHAD, J.**

DATE : 25th FEBRUARY 2026

Per, Shree Chandrashekhar, CJ.

Aggrieved by an order dated 16th January 2025 in Original Application No.525 of 2021, the petitioner has approached this Court.

2. At the outset, Mr Devvrat Singh, the learned counsel for the respondents has raised an objection on the ground that there was considerable delay and laches on the part of the petitioner. The acquittal recorded in Criminal Appeal No.642 of 2013 is not an honorable acquittal and the judgment is based on the fact that material witnesses turned hostile and did not support the prosecution.

3. Mr. Devvrat Singh, the learned counsel for the respondents relies upon "*Prahlad Raut v. All India Institute of Medical Sciences*" (2021) 14 SCC 472, "*Deputy Inspector General of Police and Anr. v. S. Samuthiram*" (2013) 1 SCC 598, "*Baljinder Pal Kaur v. State of Punjab & Ors.*" (2016) 1 SCC 671 and "*Ravindra Prasad Munneshwar Prasad v. Union of India & Ors.*" 2022 SCC OnLine Bom 682 and submits that there was a considerable delay and laches on part of the petitioner in

approaching this Court and the present writ petition ought to be dismissed on this ground alone. Moreover, the learned counsel for the respondents further submits that the acquittal of the petitioner was merely based on the technicalities of trial wherein there were no witnesses or material that satisfied the genuine standards of evidence.

4. The decision in “*Prahlad Raut v. All India Institute of Medical Sciences*”, (2021) 14 SCC 472, on which the learned counsel for the respondent-Union of India placed reliance, holds that a petition may be entertained and relief may be granted where there is a continuing wrong in relation to service-related claim. The decision in “*Deputy Inspector General of Police & Anr. v. S. Samuthiram*” (2013) 1 SCC 598 deals with the effect of an order of acquittal in criminal proceedings and holds that acquittal in a criminal proceeding does not automatically entail reinstatement in service. The decision in “*Ravindra Prasad Munneshwar Prasad v. Union of India & Ors.*” 2022 SCC OnLine Bom 682 deals with the pay and allowances for the period under suspension. These decisions do not have a direct bearing on the issue involved in this case. The decision in “*Baljinder Pal Kaur v. State of Punjab & Ors.*” (2016) 1 SCC 671 is also quite different on facts. The said decision was rendered in view of Rule 16.3 of the Punjab Police Rules, 1934 which provided that a police officer tried and acquitted by a criminal court shall not be punished departmentally on the same charge or on a different charge upon the evidence produced in the criminal case, subject to the five contingencies referred thereunder.

5. This is the case set up by the petitioner that the order of dismissal was passed only on the ground that his bail application was

rejected by the Court concerned. Be that as it may, this is the law laid down by the Hon'ble Supreme Court that the judgment of acquittal in criminal case shall be a relevant factor for the appropriate Authority to consider the quantum of punishment where the government employee has been dismissed from service. The order of dismissal from service on the ground that the bail application of the petitioner was dismissed was not in consonance with law. The departmental appellate Authority is required to take a notice of the decisions in "*G.M. Tank v. P. Kata Rao*" (2006) 5 SCC 446 and "*Ram Lal v. State of Rajasthan and Others*" (2024) 1 SCC 175. The learned counsel appearing for the respondents endeavoured to distinguish the judgment in "*Ram Lal*" on the ground that there the witnesses in disciplinary inquiry proceedings and criminal trial were the same. However, what is required to be kept in mind is that in "*Ram Lal*" that was considered a very relevant factor for directing reinstatement of the delinquent government employee with all consequential benefits including seniority, notional promotions, fitment of salary etc.

6. Having regard to the law laid down in "*G.M.Tank*" and "*Ram Lal*", the order dated 24th November 2020 passed by the appellate Authority and the order dated 16th April 2021 passed by the revisional Authority are set aside. The matter is remitted to the appellate Authority for passing a fresh order after taking into account the law laid down by the Hon'ble Supreme Court in "*G.M.Tank*" and "*Ram Lal*".

7. Writ Petition No.3382 of 2025 is disposed of in the aforesaid terms.

[GAUTAM A. ANKHAD, J.]

[CHIEF JUSTICE]