

CWP-27211-2018, CWP-12924-2020 AND CWP-1805-2020

2026:PHHC:057431



IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

210 (03 cases)

Date of Decision: 16.04.2026

1. CWP-27211-2018

Phool Kumar Gaur

.....Petitioner

VERSUS

State of Haryana & Anr.

..Respondents

2. CWP-12924-2020

Phull Kumar @ Phool Kumar

.....Petitioner

VERSUS

State of Haryana & Anr.

..Respondents

3. CWP-1805-2020

Krishan Kumar

.....Petitioner

VERSUS

State of Haryana & Anr.

..Respondents

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CORAM: HON'BLE MR. JUSTICE HARPREET SINGH BRAR

Present:- Mr. Bikramjit Singh Patwalia, Advocate with
Mr. Gaurav Jagota, Advocate
for the petitioner in CWP-27211-2018 and CWP-12924-2020.

Mr. Gaurav Bakshi, Advocate
for the petitioner in CWP-1805-2020.

Mr. Piyush Khanna, Addl. AG, Haryana.

Mr. Puneet Jindal, Sr. Advocate with
Ms. Fiza Arora, Advocate
for respondent No.2 in all the three cases.

HARPREET SINGH BRAR, J. (Oral)

1. By this judgment, three petitions bearing CWP-27211-2018, CWP-12924-2020 and CWP-1805-2020 shall be disposed of as common question of law and facts are involved in all these petitions. However, for the sake of brevity, the facts are taken from CWP-27211-2018.

2. This is a Civil Writ Petition under Articles 226/227 of the Constitution of India for issuance of a writ in the nature of *certiorari* for setting aside the action of the respondents in not reinstating the petitioner despite his acquittal in FIR No. 12 dated 05.09.2007, registered at Police Station SVB, Panchkula under Sections 13(i)(d) of the Prevention of Corruption Act and Sections 420 & 120-B IPC, vide judgment dated 07.03.2018 passed by the learned Judge, Special Court, Panchkula.

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Additionally or in the alternative, a prayer is made for issuance of a writ in the nature of *mandamus* directing the respondents to reinstate the petitioner in service and to grant all consequential benefits including promotion, arrears of salary along with interest @18% per annum. Further, a prayer is made for issuance of a writ in the nature of *mandamus* directing the respondents to treat the suspension period of the petitioner, w.e.f. 19.03.2008 till reinstatement, as duty period in view of his acquittal and in terms of Rule 7.5 of the Punjab Civil Services Rules, Volume-I, Part-I and a prayer is made for issuance of a writ in the nature of *mandamus* directing the respondents to release all consequential service benefits to the petitioner from the date of suspension i.e. 19.03.2008 till the date of reinstatement, in accordance with the applicable rules which provide protection to an employee against false implication in a criminal case.

CONTENTIONS

3. Learned counsel for the petitioner, inter alia, contends that the petitioner was appointed as a Junior Engineer and was in regular service of the State Government. On 30.06.2004, the Haryana Public Service Commission issued an advertisement for the post of Environmental Engineer (Group A), and thereafter issued a corrigendum dated 26.10.2004 granting age relaxation of 05 years to in-service candidates. The petitioner became

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eligible pursuant to the said relaxation. The concerned General Manager of the department issued a No Objection Certificate dated 29.10.2004 to the petitioner for participating in the selection process, as discernible from (Annexure P-2). On 13.12.2004, the petitioner applied for the post of Environmental Engineer with the Haryana State Pollution Control Board (respondent No.1), and successfully cleared the selection process. Consequently, he was appointed as an Environmental Engineer with the respondent-Board, as discernible from (Annexure P-3). The petitioner satisfactorily completed his probation period w.e.f. 13.12.2004, as evidenced by (Annexure P-4). Thereafter, FIR No. 12 dated 05.09.2007 under Sections 13(i)(d) and 13(2) of the Prevention of Corruption Act and Sections 420, 467, 468, 471 and 120-B IPC was registered at Police Station SVB, Panchkula. On 19.03.2008, the petitioner was placed under suspension vide order (Annexure P-6). Subsequently, on 28.07.2008, the petitioner, along with one Krishan Kumar and S.P. Sethi, was issued a charge-sheet under Rule 7 of the Haryana Civil Services (Punishment & Appeal) Rules, 1987 (Annexure P-7).

Learned counsel for the petitioner has further referred to the statements of the parties as well as the findings of the Inquiry Officer contained in the inquiry report (Annexure P-9). He has drawn the attention of this Court to the findings recorded by the Inquiry Officer at pages 98 to

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102 of the paper-book and submits that the petitioner was found to have no complicity and was completely exonerated. However, the punishing authority did not accept the findings of the Inquiry Officer and proceeded to pass an order of removal from service dated 10.02.2012, as discernible from (Annexure P-13). Thereafter, the petitioner filed CWP No. 3019 of 2012 challenging the said order, which came to be dismissed on 27.05.2014 (Annexure P-14). The LPA No. 1309 of 2014 (Annexure P-15) as well as SLP(C) No. 4686 of 2016 (Annexure P-16) were also dismissed. Subsequently, the learned trial Court acquitted the petitioner vide judgment dated 07.03.2018 and recorded a categorical finding in paragraph No. 17 of the said judgment regarding the innocence of the petitioner. Thereafter, the petitioner has approached this Court by way of the present writ petition, having been honourably acquitted. The petitioner has also filed CWP No. 12924 of 2020 seeking his retiral benefits. It is a settled proposition of law that where an employee is acquitted of the charges in a criminal case based on the same set of allegations on which departmental proceedings were initiated, such employee is entitled to reinstatement.

4. *Per contra*, learned counsel for the respondent-Board opposes the prayer made by the petitioner on the ground that the fundamental issue before this Court pertains to the eligibility of the petitioner. It is a settled proposition of law that recruiting agencies such as the Public Service

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Commission cannot grant relaxation beyond what is permissible under the applicable rules and regulations. In the present case, the Haryana Public Service Commission acted beyond its jurisdiction and, on its own, without seeking any clarification from the State Government, granted an age relaxation of 05 years, which is *de hors* the applicable rules. Consequently, at the time of his selection, the petitioner was over-age and, therefore, ineligible under the relevant rules and regulations. This issue has already been considered by a Coordinate Bench of this Court while dismissing the writ petition filed by the petitioner vide order dated 27.05.2014, wherein it was held that the petitioner was over-age and thus ineligible. Once the petitioner has failed to secure any relief in the earlier round of litigation, he cannot, merely on the basis of his subsequent acquittal, seek reinstatement.

OBSERVATIONS AND ANALYSIS

5. Having heard learned counsel for the parties and upon perusal of the record, it transpires that the Haryana Public Service Commission issued an advertisement for the post of Environmental Engineer on 30.06.2004. Thereafter, vide corrigendum dated 26.10.2004, an age relaxation of 05 years was granted for the said post, pursuant to which the petitioner applied on 13.12.2004 after becoming eligible on account of such relaxation. Admittedly, the said age relaxation was granted by the Haryana

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Public Service Commission on its own. The Commission, being merely a recruiting agency, was neither competent nor empowered to grant any relaxation beyond what is prescribed under the applicable rules and regulations. Consequently, at the time of his selection, the petitioner was over-age and, therefore, ineligible. Moreover, the earlier petitions filed by the petitioner (Annexures P-14 to P-17) have already been dismissed. In view of the above, mere acquittal of the petitioner in the criminal trial would not remove the shadow of ineligibility.

6. Accordingly, the present petition(s) stand dismissed.
7. Pending miscellaneous application(s), if any, shall also stand disposed of.
8. A photocopy of this order be placed on the files of the connected cases.

(HARPREET SINGH BRAR)
JUDGE

16.04.2026

Parul Verma

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