



LPA-1191-2019 (O&M)

1

202

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

LPA-1191-2019 (O&M)

Date of decision: 08.05.2026

FOOD CORPORATION OF INDIA AND ANR.

....Appellants

Versus

SUBHASH RANI

...Respondent

**CORAM: HON'BLE MR. JUSTICE ASHWANI KUMAR MISHRA
HON'BLE MR. JUSTICE ROHIT KAPOOR**

Present: Mr. Krishan Kumar Gupta, Advocate
for the appellants.

Mr. Himanshu Sharma, Advocate
for the respondent.

ASHWANI KUMAR MISHRA, J. (Oral)

1. The appeal arises out of the judgment dated 11.04.2019 of the learned Single Judge, whereby the writ petition of the respondent has been allowed and she has been granted salary for the period her deceased husband remained out of service on account of his implication in a criminal case. Ultimately, the respondent-petitioner's husband has been honorably acquitted. The learned Single Judge has placed reliance upon Regulation 66(8) of the Food Corporation of India (Staff) Regulation, 1971 (for short 'the 1971 Regulations'), which is reproduced hereinafter:-

"66(8) When the suspension of an employee is held to be unjustified or not wholly justified; or when an employee has been dismissed or suspended is reinstated, the disciplinary, appellate or reviewing authority, as the case may be, whose decision shall be final, may grant him for the period of his absence from duty;

(a) if he is honourably acquitted, the full pay and allowances other than conveyance allowance, to which he would have been entitled, if he had not been dismissed or suspended, less the subsistence allowance"



2. The learned Single Judge has taken note of the fact that the respondent-petitioner's husband died during the pendency of the criminal appeal and consequently, service and retiral benefits have been directed to be paid to the respondent-petitioner.

3. Learned counsel for the appellants places reliance upon the judgments of the Supreme Court in the case of *Union of India & others Vs. Jaipal Singh 2004 (1) SCC 121* and learned Single Judge of this Court in *Balbir Singh Vs. State of Haryana & others 2014 (3) SCT 451*, to submit that since the implication in the criminal case was not attributed to the department, as such, the liability for payment of salary cannot be imposed upon the employer, when the incarceration was not attributed to the department itself.

4. Learned counsel for the respondent-petitioner states that the relevant Rules in the present case are distinct, and the judgment of the Supreme Court in *Jaipal Singh* (supra) has no applicability in the facts of the present case.

5. Perusal of the records would indicate that on account of conviction and sentence awarded to the respondent-petitioner's husband, the employer took a decision to dismiss him from service by referring to Regulation 63 of the 1971 Regulations. The regulations relevant in the present case clearly state that where the employee is honorably acquitted, then he would be entitled to full pay and allowances. It is this provision of the Regulation which has been interpreted by the learned Single Judge to grant the relief to the respondent-petitioner. Considering the fact that respondent-petitioner's husband has already died and the substantial benefits have already been released to the respondent, we are not inclined to exercise our jurisdiction in the facts of the present case to interfere



LPA-1191-2019 (O&M) 3

with the judgment of the learned Single Judge. The question of law pleaded by the appellants is left open to be examined in an appropriate matter.

- 6. Appeal stands dismissed accordingly.
- 7. Pending applications, if any, shall stand disposed of.

(ASHWANI KUMAR MISHRA)
JUDGE

(ROHIT KAPOOR)
JUDGE

08.05.2026

mohit goyal

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