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IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

LPA-1236-2026 (O&M)
Date of decision: 04.05.2026

PUNJAB STATE POWER CORPORATION LIMITED AND OTHERS
...Appellant(s)

VERSUS

SURINDER KUMAR BERI
...Respondent(s)

CORAM: HON'BLE MR. JUSTICE JASGURPREET SINGH PURI
HON'BLE MRS. JUSTICE AMARJOT BHATTI

Present:- Ms. Raina Sabharwal Thakur, Advocate
for the appellants.

Mr. Padamkant Dwivedi, Advocate
for the respondent.

JASGURPREET SINGH PURI, J. (Oral)

CM-3024-LPA-2026

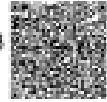
Prayer in this application is for condonation of delay of 48 days in
filing the present appeal.

For the reasons mentioned in the application, the same is allowed
and the delay of 48 days in filing the present appeal, is hereby condoned.

LPA-1236-2026

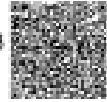
1. The present Letters Patent Appeal has been filed under Clause X of
the Letters Patent Act for setting aside the judgment dated 10.02.2026 passed by
the learned Single Judge in Civil Writ Petition No.22413 of 2015.

2. Learned counsel for the appellants submitted that the learned
Single Judge has allowed the writ petition on the basis of the judgment passed



by another learned Single Judge of this Court in **CWP No.21586 of 2015**, titled as **Balkar Singh versus State of Punjab and others**, decided on **03.05.2016** and as per the impugned judgment, the case of the respondent was also covered by the aforesaid judgment. She further submitted that in fact in the aforesaid judgment passed by the learned Single Judge, although the provision of law pertained to the same organization i.e. Punjab State Power Corporation Limited (PSPCL) but the relevant Rule, namely, Rule 7.3(2) of the Main Service Regulations, 1972, was incorrectly reproduced and therefore, no reliance can be placed upon the aforesaid judgment in **Balkar Singh's case (Supra)**. While referring to paragraph No.6 of the aforesaid judgment in **Balkar Singh's case (Supra)**, she submitted that when the aforesaid Rule 7.3(2) of the Main Service Regulations, 1972 was reproduced, the expression “fully” was omitted and only the word “exonerated” was mentioned, which changed the entire nature of the case and therefore, the learned Single Judge in the present case ought not to have relied upon the aforesaid judgment in **Balkar Singh's case (Supra)**.

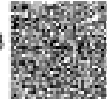
3. On the other hand, Mr. Padamkant Dwivedi, learned counsel for the respondent submitted that although there was a typing mistake in the aforesaid judgment in **Balkar Singh's case (Supra)** but later on the entire issue with regard to the nature of exoneration by the Criminal Court was discussed in detail by referring to various judgments of Hon'ble Supreme Court and it was held that no distinction can be made as to whether an accused is acquitted on the basis of benefit of doubt or by so observing that the prosecution was not able to prove the case beyond reasonable doubt or that it was a case of



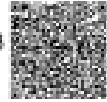
honourable acquittal or not. In this regard, he specifically referred to paragraphs No.11 and 12 of the aforesaid judgment and submitted that it is not in dispute that sub-rule (ii) of Rule 7.3 of the Main Service Regulations, 1972 provides that a dismissed employee upon reinstatement after full exoneration is entitled to be granted full pay and allowances to which he would have otherwise been entitled to had he not been dismissed from service. He also submitted that the judgment passed by the learned Single Judge in **Balkar Singh's case (Supra)** was assailed by filing LPA No.1893 of 2016 and a Coordinate Bench of this Court dismissed the said LPA vide judgment dated 28.03.2022 and in this way, the aforesaid judgment in **Balkar Singh's case (Supra)** has attained finality.

4. We have heard the learned counsels for the parties.

5. The respondent, who was working as a Junior Engineer-II, was arrested by the Vigilance Bureau, Ferozepur Range in FIR No.46, registered under Sections 7 and 13 of the Prevention of Corruption Act. Thereafter, the respondent was convicted by the learned Special Judge, Ferozepur on 13.09.2003 and was sentenced to undergo rigorous imprisonment for three years along with a fine of Rs.5,000/-. Thereafter, on account of the aforesaid conviction, the services of the respondent were terminated by the Chief Engineer, Store and Disposal, Patiala on 16.01.2004 and consequently, the respondent was relieved from service on 02.04.2004. The respondent thereafter challenged the said judgment of conviction and sentence before this Court by filing Criminal Appeal No.1768-SB of 2003. The aforesaid appeal was allowed on 14.11.2013 and in this way, the judgment of conviction was set aside, which



resulted in the acquittal of the respondent. Earlier, the respondent was suspended on 09.07.1997 after the registration of the aforesaid FIR but was later on reinstated by the department. During the period of suspension, the respondent was paid only subsistence allowance. After his acquittal, the respondent made several requests seeking grant of all consequential service benefits, including treating him as in service from 02.04.2004 and also served various legal notices. The appellant however cancelled the termination order dated 16.01.2004 and issued a separate order dated 12.06.2014 retiring the respondent with effect from 30.09.2013 on attaining the age of superannuation and in addition thereto, simultaneously ordered that the non-duty period of the respondent be treated as “leave of kind due”. The learned Single Judge had so observed that the respondent was acquitted of the charges and it was an undisputed fact that no departmental or disciplinary proceedings were ever initiated against the respondent in relation to the allegations forming the basis of the FIR. In other words, despite the fact that the respondent was proceeded against in criminal proceedings, in which he was initially convicted and later on acquitted by the Appellate Court, no disciplinary proceedings on the departmental side were ever initiated against him. The issue involved in the present case pertains to as to whether the period during which the respondent remained out of service is to be treated as “leave of kind due” or not. While relying upon the judgment passed by the learned Single Judge in **Balkar Singh’s case (Supra)**, which was upheld by a Coordinate Bench of this Court vide judgment dated 28.03.2022, the writ petition was allowed vide impugned judgment and it was directed that the respondent cannot be denied



the benefit of being treated as on duty for all intents and purposes after acquittal.

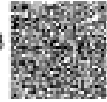
6. The relevant provision of Rule 7.3(2) of the Main Service Regulations, 1972 has been reproduced by the appellant in the present LPA in para No.4, which is reproduced as under:-

*“When the authority mentioned in sub-regulation (1) is of opinion that the Board employee has been **fully** exonerated or, in the case of suspension, that it was wholly unjustified, the Board employee shall be given the full pay and allowances to which he would have been entitled, had he not been dismissed, removed, compulsorily retired or suspended as the case may be.”*

(Emphasis supplied)

7. A perusal of the aforesaid would show that it provided that when an employee is fully exonerated, then in case of suspension that it was wholly unjustified, the Board employee shall be given the full pay and allowances to which he would have been entitled, had he not been dismissed, removed, compulsorily retired or suspended as the case may be. In the present case, the services of the respondent were terminated only on account of his conviction and thereafter, he was reinstated and an order was passed retiring him on attaining the age of superannuation. The respondent was also suspended for a specific period, in respect of which the learned Single Judge vide the impugned judgment has directed that the respondent be treated on duty for the said period and be granted all the consequential service benefits.

8. In the aforesaid judgment in **Balkar Singh’s case (Supra)**, the entire issue was discussed and it was so held that no distinction can be drawn



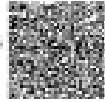
between the aforesaid nature of acquittal. Paragraphs No. 11 and 12 of the aforesaid judgment are reproduced as under:-

“11. India follows the common law and the address of Sir Geoffrey Lawrence in his concluding address to the Jury is relevant in the context of the criminal law of sentencing. Closer home this is even the view of this since at least 1967 in Jagmohan Lal v. State of Punjab, AIR 1967 Punjab & Haryana 422 speaking through Jagan Nath Kaushal, J in his brief tenure as a Judge of this Court before he resigned office and a celebrated criminal lawyer of his time, holding as follows:-

“In criminal law, the Courts are called upon to decide whether the prosecution has succeeded in bringing home the guilt to the accused. The moment the court is not satisfied regarding the guilt of the accused, he is acquitted. Whether a person is acquitted after being given a benefit of doubt or for other reasons, the result is that his guilt is not proved. The Code of Criminal Procedure does not contemplate honourable acquittal. The only words known to the Code are “discharged” or “acquitted”. The effect of a person being discharged or acquitted is the same in the eyes of law. Since, according to the accepted notions of imparting criminal justice, the Court has to be satisfied regarding the guilt of the accused beyond a reasonable doubt, it is generally held that there being a doubt in the mind of the court, the accused is acquitted.”

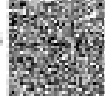
In Bhag Singh v. Punjab & Sind Bank Ltd. & Ors., 2006 (1) S.C.T. 175 : (2005) 6 SLR 464 the Division Bench held:-

“In our opinion, the mere use of the expression “benefit of doubt” or “not proved beyond reasonable doubt” by the trial Court or the appellate court cannot be permitted to convert an acquittal on the ground of no evidence, to something less than that. The concepts of “Honourable Acquittal”, “fully exonerated” or “acquitted of blame” are all unknown

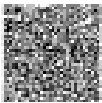


to the Criminal Procedure Code, 1973. Therefore, the term “benefit of doubt” cannot detract from the impact of the acquittal.”

12. Viewed in the aforesaid perspective the service rules of PSPCL in play deserve to be appreciated and I find from the pleaded argument of Mr. Hooda articulately reasoned in the petition to be the correct position in law when he asserts in paras.23 to 25: “23. That from above it is quite axiomatic that under Rule 7.1, a Government employee becomes disentitled to pay and allowances on his dismissal or removal from service. Rule 7.2 deals with the payment of subsistence allowance to an employee placed under suspension. Rule 7.3 (i) empowers the competent authority to decide in respect to the period of a Government employee who remained dismissed or removed or compulsorily retired or under suspension. Sub Rule (ii) of Rule 7.3, however, specifically prescribes that in the event of a Government employee who had been dismissed, removed or compulsorily retired and has been fully exonerated, upon reinstatement, he shall be paid full pay and allowances to which he would have been entitled to, had he not been dismissed, removed or compulsorily retired or suspended. Sub Rule (iii) of Rule 7.3 further provides for treating the entire period of suspension preceding dismissal, removal or compulsory retirement as a period spent on duty for all purposes in a case covered under Sub Rule (ii). A bare reading of the provision as contained in Rule 7.3 would make it clear that a Government employee who has been dismissed, removed, compulsorily retired or suspended, is reinstated upon having been fully exonerated, then he shall be given full pay and allowances to which he would have been entitled to had he not been dismissed, removed, compulsorily retired or suspended as the case may be. In other words, the above



quoted rule clearly specifies that a dismissed employee when reinstated upon exoneration is entitled to be granted full pay and allowances to which he would have been otherwise entitled to had he not been dismissed from service. Whereas, Rule 7.5 specifically prescribes that in the event of a Government employee acquitted of the blame and it is proved that the official's liability arose from circumstances beyond control or the detention being held by the competent authority to be unjustified, he would be entitled to full salary... "That now, it becomes abundantly clear that Rule 7.3 of the Rules is the general rule, while in case a person is acquitted, it is specific Rule 7.5 of the Rules that would be attracted. The law is well settled that specific Rule will always take precedence over the general rule and consequently, it must follow that under Rule 7.5 of the Rules, referred to above, the petitioner was entitled to the full back wages. In other words, in terms of Rule 7.5 of the Rules, on petitioner's being acquitted, he would be entitled to full salary and allowances for the period of suspension and dismissal... "That in other words, Rule 7.3 (i) empowers the competent authority to decide in respect to the period of a Government employee who remained dismissed or removed or compulsorily retired or under suspension. Sub Rule (ii) of Rule 7.3, however, specifically prescribes that in the event of a Government employee who had been dismissed, removed or compulsorily retired and has been fully exonerated, upon reinstatement, he shall be paid full pay and allowances to which he would have been entitled to, had he not been dismissed, removed or compulsorily retired or suspended. Sub Rule (iii) or Rule 7.3 further provides for treating the entire period of suspension preceding dismissal, removal



or compulsory retirement as a period spent on duty for all purpose.”

9. In view of the aforesaid facts and circumstances, this Court is of the considered view that the present appeal is devoid of any merit since the case of the respondent was duly covered by the aforesaid judgment in Balkar Singh’s case (Supra), which has attained finality.
10. Consequently, finding no merit in the present Letters Patent Appeal, the same is hereby dismissed.
11. Miscellaneous applications, if any, shall also stand disposed of.

(JASGURPREET SINGH PURI)
JUDGE

(AMARJOT BHATTI)
JUDGE

04.05.2026
Chetan Thakur

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No