



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

119

CWP-15388-2026 (O&M)
Date of decision: 26.05.2026

Gursewak Singh and another

....Petitioners

Versus

The State of Punjab and others

....Respondent

CORAM: HON'BLE MR. JUSTICE HARPREET SINGH BRAR

Present: Mr. Pripal Singh Miglani, Advocate
for the petitioners.

Ms. Pratibha Bali, AAG, Punjab.

HARPREET SINGH BRAR J. (Oral)

1. The present writ petition has been filed under Articles 226/227 of the Constitution of India seeking issuance of a writ in the nature of *certiorari* for quashing the impugned order dated 26.11.2021 (Annexure P-1), whereby the petitioners were blacklisted/taken off duty on the allegation of recovery of poppy husk. A further prayer has been made for issuance of a writ in the nature of *mandamus* directing the respondents No.2 and 3 to reinstate the petitioners in service along with all consequential service benefits on the basis of their acquittal vide judgment dated 01.05.2023 (Annexure P-2) passed by the learned Judge, Special Court, Shaheed Bhagat Singh Nagar.

2. Learned counsel for the petitioners, *inter alia*, contends that petitioner No.1 was working as Conductor and petitioner No.2 was working as Driver with the respondent/Department. While the petitioners were performing their duties on the Delhi-Chandigarh-



Nawanshahar route, an FIR No.119 dated 28.10.2021 under Section 15 of the NDPS Act was registered against them at Police Station Balachaur on the allegation of recovery of 03 kilograms of poppy husk from the bus. Learned counsel for the petitioners further submits that both the petitioners were subsequently acquitted by the learned Special Court vide judgment dated 01.05.2023 after recording findings that the prosecution had failed to prove its case beyond reasonable doubt.

2.1. Learned counsel for the petitioners further argues that once the petitioners have been acquitted by the learned trial Court, the respondents could not continue to deny reinstatement to them. Feeling aggrieved, the petitioners approached this Court by filing CWP-26143-2025, which was disposed of on 04.09.2025 with a direction to respondent No.2 to consider and decide the legal notice dated 08.07.2025 and pass a speaking order. In purported compliance, the respondents passed the impugned order dated 23.02.2026, rejecting the claim of the petitioners for reinstatement. He further submits that the impugned action of the respondents is arbitrary, discriminatory and violative of Articles 14 and 16 of the Constitution of India. Learned counsel for the petitioners further contends that similarly situated employees, namely Swaran Singh, Surjit Singh, Paramjit Singh and Jaswinder Kumar (Annexures P-7 to P-9, respectively), were permitted to continue on duty till the decision of the criminal case, whereas the petitioners alone have been singled out for hostile treatment.



3. *Per contra*, learned State counsel submits that the petitioners were engaged through service provider and they were not regular government employees. She further submits that serious allegations under the NDPS Act were levelled against the petitioners involving recovery of contraband from a PUNBUS vehicle while they were on duty. Learned State counsel further submits that due to the incident, the image and reputation of the organization suffered adversely and the bus remained detained at the police station for several days, thereby causing financial loss to the Corporation.

3.1. Learned State counsel further submits that a bare perusal of the judgment dated 01.05.2023 passed by the learned Judge, Special Court, S.B.S. Nagar, would show that the petitioners were not acquitted on merits but they were extended the benefit of doubt on account of procedural inconsistencies and defects noticed in the prosecution version and as such, the claim of the petitioners for reinstatement was declined.

4. I have heard learned counsel for the parties and perused the record of the case with their able assistance.

5. The principal question which arises for consideration before this Court is whether the petitioners, merely on the basis of their acquittal in the criminal proceedings, can claim reinstatement in service as a matter of right and whether the impugned speaking order dated 23.02.2026 suffers from any illegality warranting interference under Articles 226/227 of the Constitution of India.



6. A perusal of the judgment dated 01.05.2023 passed by the learned Judge, Special Court, S.B.S. Nagar, reveals that the petitioners were acquitted primarily on account of doubts created in the prosecution version, discrepancies in the recovery proceedings and inconsistencies noticed in the statements of prosecution witnesses. The learned trial Court specifically held that the prosecution had failed to prove the charge beyond reasonable doubt and accordingly extended benefit of doubt to the accused.

7. The distinction between an honourable acquittal and an acquittal by extending benefit of doubt is well settled. Mere acquittal in a criminal case does not automatically entitle an employee to reinstatement, especially when the employer, after considering the overall conduct and circumstances of the case, finds that reinstatement would not be in the interest of the institution.

8. In the present case, the respondents have passed a reasoned speaking order dated 23.02.2026 after considering the entire matter. The said order specifically notices that the petitioners were acquitted on the basis of benefit of doubt and also records that the incident had tarnished the image of PUNBUS and caused financial loss to the Corporation due to seizure of the bus for several days. The competent authority, thereafter, consciously decided not to reinstate the petitioners.

9. Moreover, the plea of discrimination raised by the petitioners on the basis of certain other orders also does not merit acceptance. The contention of the petitioners that similarly situated



persons have been reinstated is also devoid of any merit. Article 14 of the Constitution does not envisage negative equality. Any alleged benefit granted contrary to the policy or *de hors* the statutory framework cannot form the basis for claiming similar relief. Furthermore, no cogent material has been placed on record to establish that the persons referred to by the petitioners were identically situated in all respects so as to claim parity. Merely because in some other cases the respondents may have adopted a different course of action, the same would not confer an enforceable right upon the petitioners, particularly when each case has to be examined on its own facts and circumstances.

10. It is also noteworthy that the petitioners were engaged through outsourcing arrangement and do not hold any substantive right to seek reinstatement as regular employees. The employer is entitled to assess suitability and institutional interest while taking a decision regarding continuation or reinstatement of outsourced personnel.

11. In view of the aforesaid discussions, this Court is of the considered opinion that the impugned order dated 23.02.2026 does not suffer from any illegality or infirmity warranting interference by this Court in exercise of extraordinary writ jurisdiction.

12. Consequently, finding no merit in the present writ petition, the same is hereby dismissed.

(HARPREET SINGH BRAR)
JUDGE

26.05.2026

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