



RSA-2967-2006 (O&M)

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

RSA-2967-2006 (O&M)

UNION OF INDIA AND OTHERS

.....Appellants

Vs.

RAM NIWAS

.....Respondent

Reserved on : 30.04.2026

Pronounced on: 06.05.2026

Uploaded on: 07.05.2026

Whether only the operative part of the judgment is pronounced? NO

Whether full judgment is pronounced? YES

CORAM: HON'BLE MRS. JUSTICE SUDEEPTI SHARMA

Present: Mr. Vipul Aggarwal, Sr. Panel Counsel
for the appellants.

Mr. Kushagra Mahajan, Advocate
for respondent.

SUDEEPTI SHARMA J.

1. The present appeal is preferred judgment and decree dated 06.01.2006 passed by learned District Judge, Rewari, whereby, appeal filed by respondent against judgment and decree dated 11.08.2004 passed by learned Civil Judge (Junior Division), Rewari was allowed.

2. Vide order dated 16.01.2007 passed by this Court, operation of judgment and decree dated 06.01.2006 of learned First Appellate Court was stayed.

3. Brief facts of the case as per the civil suit are that respondent was enlisted in the CRPF in the year 1990. He was dismissed from service vide order dated 22nd/23rd September, 1994 on the charges of grave misconduct. He preferred departmental appeal against order of dismissal which was rejected vide order dated 01.05.1995. He preferred revision which was also rejected on



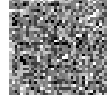
17.02.1996. Thereafter, he filed mercy appeal which was also dismissed. He filed civil suit challenging order dated 01.05.1995, 17.02.1996, and 11.12.1996 on the ground that no opportunity of being heard was granted to him. Civil suit filed by him was dismissed vide judgment and decree dated 11.08.2004 passed by learned Civil Judge (Junior Division), Rewari. He filed appeal against the same which was allowed vide judgment and decree dated 06.01.2006 passed by learned District Judge, Rewari. Hence the present regular second appeal.

4. Learned counsel for the appellants contends that learned first appellate Court wrongly accepted the appeal filed by the respondent and set aside well reasoned judgment and decree dated 11.08.2004 passed by learned Civil Judge (Jr. Division), Rewari. He further contends that learned first appellate Court did not appreciate the evidence (oral as well as documentary) before allowing the appeal filed by the respondent. He, therefore, prays that the present appeal be allowed.

5. Per contra learned counsel for the respondent contends that learned first appellate Court has rightly allowed the appeal filed by the respondent. He therefore prays that the present regular second appeal be dismissed .

6. I have heard learned Counsel for the parties and perused the whole record of this case with their able assistance.

7. A perusal of the record shows that the ground taken by the respondent challenging the impugned order is that principles of natural justice were not followed and he was not heard. A perusal of the record further reveals that before passing the dismissal order departmental inquiry was conducted and respondent was given reasonable opportunity to defend his case. And the punishing authority was competent authority as per Rule 27 of Central Reserve



Police Force (CRPF) Act 1995. Further respondent was constable and Exhibit-1 is the memorandum of charges and documents attached with it are Annexure-1, Annexure-2, and Annexure-3. A bare perusal of the same reveals that copy of charges framed against respondent was supplied to him as his signatures are there on record. Exhibit-2 is the show cause notice before awarding punishment. Even the inquiry report was provided to the respondent which shows that principles of natural justice were fully followed before awarding punishment.

8. The contention of the respondent was that he was acquitted by criminal Court therefore should not have been punished by departmental authorities since the charges on the basis of evidence in the criminal case were the same. Whereas perusal of the record shows that evidence taken by inquiry officer was not the same which was adduced before learned trial Court.

9. A bare perusal of record as well as judgment and decree dated 11.08.2004 passed by learned Civil Judge (Jr. Division), Rewari shows that civil suit filed by the respondent was rightly dismissed whereas, learned First Appellate Court by holding that once the respondent was acquitted of criminal charges he could not be tried departmentally and if so, permission of Inspector General was required which was not there on record and by holding that departmental action is not sustainable in the eyes of law, accepted the appeal. So far as the charge that he remained absent from the CRPF for which punishment of dismissal from service was granted, is concerned learned first appellate Court has held it to be highly disproportionate and held it to be null and void. But liberty was granted to the department to take fresh action in accordance with law. The respondent was held entitled for reinstatement in service without back wages with liberty to appellant to take action in



accordance with law.

10. Vide order dated 16.01.2007 the Coordinate Bench of this Court stayed the operation. Therefore, neither the respondent was reinstated in service nor the department proceeded afresh. Otherwise also perusal of record shows that there is no infirmity in impugned orders dated 01.05.1995, 17.02.1996 and 11.12.1996.

11. In view of the above, judgment and decree dated 06.01.2006 passed by learned District Judge, Rewari, is set aside and judgment and decree dated 11.08.2004 passed by learned Civil Judge (Junior Division), Rewari is upheld.

12. Accordingly, the present regular second appeal is **allowed**.

13. Decree sheet be prepared accordingly.

14. Pending application(s), if any, also stand disposed of.

06.05.2026

Saahil/Ayub

(SUDEEPTI SHARMA)
JUDGE

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