

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

RSA-4050-2006 (O&M)

STATE OF HARYANA & ANR.

..Appellants

Versus

DHARAMBIR SINGH

..Respondent

Reserved on: 17.02.2026

Pronounced on : 24.03.2026

Uploaded on : 01.04.2026

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. Harish Nain, AAG, Haryana.

Mr. Ankur Goyat, Advocate for respondent.

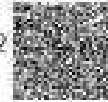
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SUDEEPTI SHARMA, J.

1. The present regular second appeal is preferred by State of Haryana against judgment and decree dated 17.11.2004, passed by learned Civil Judge (Senior Division), Jind, whereby, civil suit filed by the respondent was decreed in his favour and judgment and decree dated 14.08.2006 passed by learned Additional District Judge-II, Jind, whereby, appeal filed by the appellant against judgment and decree dated 17.11.2004 was dismissed.

BRIEF FACTS OF THE CASE

2. Brief facts of the case as per the pleadings in the civil suit are that respondent was a regular and permanent employee of appellant and working as driver in Haryana Roadways, Jind under Administrative Control of General Manager, Haryana Roadways, Jind Depot, Jind. A criminal case



was registered against him under Section 304-A IPC and he was convicted by Chief Judicial Magistrate, Jind vide judgment dated 25.01.1997. He filed appeal against judgment dated 25.01.1997, which was also dismissed vide judgment dated 05.02.1999 by learned Additional Sessions Judge, Jind. Thereafter, he was taken into custody. Consequently, he was placed under suspension vide order dated 05.02.1999. He filed revision petition before this Court and he was ordered to be released on bail vide order dated 22.03.1999, and thereafter released on 05.04.1999. Revision petition filed by respondent was accepted by this Court vide judgment dated 23.08.1999, thereafter, he approached General Manager, Haryana Roadways, Jind Depot, Jind for payment of his salary/wages with effect from 05.02.1999 to 21.06.1999 but the same was not released by General Manager, Haryana Roadways, Jind Depot, Jind and rather order dated 04.11.1999 was passed by General Manager treating the period with effect from 05.02.1999 to 21.06.1999 as "Leave Without Pay". Order dated 04.11.1999 was challenged by respondent by filing appeal before State Transport Commissioner, Haryana but the same was not decided despite the fact that respondent visited office of State Transport Commissioner several times. He requested the General Manager, Haryana Roadways, Jind Depot, Jind to release his salary for the period from 05.02.1999 to 21.06.1999 and to withdraw impugned order dated 04.11.1999. Thereafter, he filed civil suit, which was decreed in his favour by learned Civil Judge (Senior Division), Jind vide judgment and decree dated 17.11.2004. The appellants filed appeal against the same, which was dismissed by learned Additional District Judge-II, Jind vide judgment and decree dated 14.08.2006. Hence, the present Regular Second Appeal.

**SUBMISSIONS OF LEARNED COUNSEL FOR THE PARTIES:-**

3. Learned counsel for the appellants contends that both the Courts did not appreciate the fact that respondent remained absent from duty, since he was convicted in a criminal case under Section 304-A IPC and during his trial, he remained in jail and was out of service.

4. He further contends that respondent did not work with effect from 05.02.1999 to 21.06.1999, therefore, was not entitled to the salary for the same.

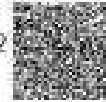
5. He further contends that both the Courts have failed to appreciate the very fact that respondent was repeatedly asked to join the duty but he failed to join the duty and in reply to the chargesheet, he admitted his conviction, since he did not submit any leave application, therefore, he was treated as absent from duty, therefore, the competent authority sanctioned his leave and after considering his case sympathetically, the absent period was treated as "Leave Without Pay" vide order dated 04.11.1999, which is perfectly legal order. He, therefore, prays that the present appeal be allowed.

6. In support of his contentions, he relies upon the following judgments:-

(i) Balwant Singh and others Vs. State of Haryana and others, Law Finder Doc ID #2714654.

(ii) Suraj Bhan Vs. State of Haryana and another, Law Finder Doc ID #2228386.

7. Per contra, learned counsel for respondent contends that both the Courts have rightly decreed the civil suit filed by respondent in his



favour and dismissed the appeal filed by the appellant. He, therefore, prays that the present appeal be dismissed.

8. In support of his contentions, he relies upon the following judgments:-

(i) Sulekh Chand and Salek Chand Vs. Commissioner of Police, 1994 INSC 428.

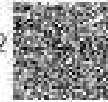
(ii) Ram Dhari Vs. State of Haryana and others, CWP-2658-2010, decided on 05.01.2011.

(iii) Bhim Singh Vs. State of Haryana and others, CWP-7178-2002, decided on 12.03.2012.

(iv) Hukam Singh Vs. State of Haryana and another, 2001(2) SCT 696.

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

10. Admittedly, respondent while appearing as PW-1 deposed that he was taken into custody on 05.02.1999 in a criminal case registered against him on account of causing accident. He remained in custody with effect from 05.02.1999 to 05.04.1999 in a criminal case under Section 304-A of IPC. He was finally acquitted on 23.08.1999, therefore, it is admitted fact on record that respondent remained absent with effect from 05.02.1999 to 21.06.1999. It is not the case of the respondent that he was convicted on the basis of FIR lodged by the appellant, whereas, respondent was convicted on account of his own wrong under Section 304-A of IPC and it is admitted fact of the respondent as well that he was convicted and thereafter released on bail. The appeal filed against the conviction was also dismissed and ultimately revision filed before this Court was accepted and he was



acquitted. Therefore, undisputedly he did not work for the period from 05.02.1999 to 05.04.1999.

11. Now coming to the judgments referred to by learned counsel for the appellants, in both the cases, it is held by this Court that employee acquitted in criminal proceedings unrelated to official duties is entitled to reinstatement, but back wages are not automatically granted.

12. Now coming to the judgments referred to by learned counsel for respondent, the facts of the cases referred to by learned counsel for respondent are distinguishable from the facts of the present case.

13. In view of the above, both the Courts have wrongly held that respondent is entitled to the salary for the period, which he did not work for.

14. Accordingly, the present appeal is allowed. And judgment and decree dated 17.11.2004, passed by learned Civil Judge (Senior Division), Jind and judgment and decree dated 14.08.2006 passed by learned Additional District Judge-II, Jind, are set aside. Parties are left to bear their own costs.

15. Decree sheet be drawn.

16. All the pending miscellaneous applications, if any, are also disposed of.

24.03.2026

Ayub

(SUDEEPTI SHARMA)
JUDGE

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