

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

RSA-812-2008 (O&M)

JATINDER SINGH

..Appellant

Versus

STATE OF PUNJAB AND ORS.

..Respondents

Reserved on: 05.02.2026
Pronounced on: 07.03.2026
Uploaded on: 11.03.2026

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. P.S. Baath, Advocate
for the appellant.

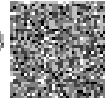
Mr. Animesh Sharma, Addl.A.G. Punjab.

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SUDEEPTI SHARMA, J. (Oral)

1. The challenge in the present regular second appeal is to judgment and decree dated 29.11.2007 passed by learned Additional District Judge (ad hoc)-cum-Presiding Officer, Fast Track Court, Gurdaspur, whereby, appeal filed by respondents-State against judgment and decree dated 08.03.2006 passed by learned Additional Civil Judge (Senior Division), Gurdaspur has been allowed.

2. Brief facts of the case are that appellant was placed under suspension w.e.f. 25.11.1997 while serving in Police, District Batala for having been involved in FIR No.339/92 under Section 304-B/498/149 IPC, P.S. Sadar Batala. After trial, he was convicted and sentenced to undergo rigorous imprisonment for three years and fine of Rs.15,000/-. Due to

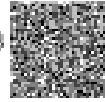


conviction, he was dismissed from service by SSP, Batala vide order dated 05.11.2002 and he was given subsistence allowance equal to half pay during the period of suspension from 25.11.1997 upto his date of dismissal. He filed appeal against judgment and order of conviction before this Court and vide judgment dated 05.12.2003 he was acquitted by giving benefit of doubt holding therein that there was doubt regarding the participation of appellant in the criminal case. He, thereafter, represented to respondents for his entitlement to get full pay and allowances during the period of suspension from 25.11.1997 upto date of dismissal i.e. 04.11.2002 and to get full pay and allowance with interest thereupon during the period from 05.11.2002 upto 15.04.2004 during which he remained out of service.

3. SSP, Batala took up the matter with DIG/Border Range, Amritsar, clarifying guidelines, who had directed SSP Batala to review the case in view of the instructions issued by Government.

4. SSP Batala on 15.04.2004 reinstated appellant from the date of suspension, i.e. 25.11.1997, but he was not paid full pay and allowance during the period of suspension i.e. from 25.11.1997 to 04.11.2002, and also deprived of full pay and allowance during the period from 05.11.2002 up to 15.04.2004 during which he remained out of service.

5. He filed civil suit which was decreed in his favour vide judgment and decree dated 08.03.2006. Respondent filed appeal against the same which was allowed vide judgment and decree dated 29.11.2007 passed by learned Additional Civil Judge (Senior Division), Gurdaspur. Hence, the present regular second appeal.



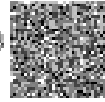
6. Learned counsel for the appellant contends that learned first appellate Court has wrongly allowed the appeal filed by the respondents and set aside well reasoned judgment and decree dated 08.03.2006 passed by learned Additional Civil Judge (Senior Division), Gurdaspur, whereby, civil suit filed by the appellant was decreed in his favour. He therefore pray that the present appeal be allowed and judgment and decree dated 29.11.2007 passed by Additional District Judge (ad hoc)-cum-Presiding Officer, Fast Track Court, Gurdaspur, be set aside.

7. Per contra, learned counsel for respondents contends that the appeal filed by the respondents has rightly been allowed and the present regular second appeal deserves to be dismissed being devoid of merits.

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

9. A perusal of the record shows that the only question involved in the present appeal is as to, whether the Government employee, who was dismissed from service on account of his conviction under Section 304-B/498/149 IPC by Sessions Court but thereafter acquitted by this Court, is entitled to full pay and allowances for the period during which he did not render any service to the department; and whether the principle of "no work, no pay" would be applicable to the facts and circumstances of this particular case. The answer to the same is in negative.

10. Admittedly, FIR was registered against appellant under Section 304-B/498/149 IPC, P.S. Sadar Batala. On the basis of same, he was placed under suspension with effect from 25.11.1997. Thereafter, vide order dated 05.11.2002, he was dismissed from service.

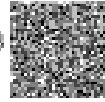


11. He preferred appeal against his conviction before this Court and, vide order dated 05.12.2003, he was acquitted by giving him benefit of doubt. It is not the case of appellant that FIR was registered by respondents in which ultimately he was acquitted. The FIR was admittedly registered because of the family dispute between the appellant and his family members. It is not disputed that appellant remained out of service during this period, i.e. with effect from 25.11.1997 till 15.04.2004, the order vide which he was reinstated from the date of suspension, i.e. 25.11.1997. And it is not disputed that he did not work for this period. He was acquitted by this Court vide order dated 05.12.2003 by giving him benefit of doubt.

12. Since he did not work for the above referred to period, therefore, he would not be entitled to any salary for that period. Further, there is no hard and fast rule with respect to grant of full pay and allowance after reinstatement. It depends upon facts and circumstances of each case. In the present case, the FIR was lodged by the family members of appellant himself and not by the respondent-state, because of which he was convicted and sentenced to undergo rigorous imprisonment for three years and fine of Rs.15,000/-.

13. More so, this Court acquitted him by giving him benefit of doubt and, admittedly, he did not work for the period from the date of suspension till his reinstatement. Hon'ble Supreme Court in ***J.K. Synthetics Ltd. Vs. K.P. Agrawal, (2007) 2 SCC 433*** examined as to whether a delinquent employee is entitled to claim continuity of service and all consequential benefits in every instance of reinstatement. The Court has clearly observed and held that under which conditions/circumstances such benefit may be granted.

14. Hon'ble Supreme Court has examined different scenarios of reinstatement passed on nature of termination and circumstances leading to it.

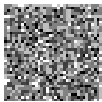


Relevant portion of ***J.K. Synthetics Ltd. Vs. K.P. Agrawal, (2007) 2 SCC 433*** is reproduced as under:

“17. There is also a misconception that whenever reinstatement is directed, "continuity of service" and "consequential benefits" should follow, as a matter of course. The disastrous effect of granting several promotions as a "consequential benefit" to a person who has not worked for 10 to 15 years and who does not have the benefit of necessary experience for discharging the higher duties and functions of promotional posts, is seldom visualised while granting consequential benefits automatically. Whenever courts or tribunals direct reinstatement, they should apply their judicial mind to the facts and circumstances to decide whether "continuity of service" and/or "consequential benefits" should also be directed. We may in this behalf refer to the decisions of this Court in [A.P. SRTC v. S. Narsagoud, (2003) 2 SCC 212: 2003], [A.P. SRTC v. Abdul Kareem, (2005) 6 SCC 36] and [Rajasthan SRTC v. Shyam Bihari Lal Gupta, (2005) 7 SCC 406].”

15. Hon’ble Supreme Court in ***Krishnakant Raghunath Bibhavnekar V. State of Maharashtra, (1997) 3 SCC 636*** explained the right of an employee for back wages after reinstatement on his acquittal. Relevant portion of the same is also reproduced as under:

“If the conduct alleged is the foundation for prosecution, though it may end an acquittal on appreciation



or lack of sufficient evidence, the question emerges whether the government servant prosecuted for commission of defalcation of public funds and fabrication of the records, though culminated into acquittal is entitled to be reinstated with consequential benefits. In our considered view this grant of consequential benefits with all back wages etc. cannot be as a matter of course. We think that it would be deleterious to the maintenance of the discipline if a person suspended on valid consideration is given full back wages as a matter of course on his acquittal.”

16. Since in the present case, the conviction of appellant was not because of FIR lodged by the respondents and, apparently, he did not work for the period from 25.11.1997 when he was under suspension till 15.04.2004 when he was reinstated, therefore, I do not find any infirmity or illegality in judgment and decree dated 29.11.2007 passed by learned Additional District Judge (ad hoc)-cum-Presiding Officer, Fast Track Court, Gurdaspur and the same is hereby affirmed.

17. Accordingly, the present regular second appeal is **dismissed**. Parties are left to bear their own cost.

18. Decree sheet be prepared accordingly.

19. Pending miscellaneous applications, if any, are also disposed of.

07.03.2026

Saahil

(SUDEEPTI SHARMA)
JUDGE

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