



**129+132 IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH**

Date of decision: 16.03.2026

1. **LPA-3644-2025 (O&M)**

H.C. Dalbir Singh **...Appellant**

Vs.

State of Haryana and another ...Respondents

2. LPA-34-2026 (O&M)

State of Haryana and another **...Appellants**

Vs.

Constable Subhash Kumar **...Respondent**

3. **LPA-3425-2025(O&M)**

ESI Rajender Singh No. 374/RTK **...Appellant**

Vs.

State of Haryana and others ...Respondent

4 **LPA-640-2026 (O&M)**

State of Haryana and another **...Appellants**

Vs.

Constable Kuldeep Singh **...Respondent**

5. **LPA-642-2026 (O&M)**

State of Haryana and another **...Appellants**

Vs.

**LPA-3644-2025 (O&M) &
other connected cases**

-2-

2028.P1111C.040068-DB



EHC Lekh Ram

...Respondent

6.

LPA-643-2026 (O&M)

State of Haryana and another

...Appellants

Vs.

Head Constable Dalbir Singh

...Respondent

7.

LPA-647-2026 (O&M)

State of Haryana and another

...Appellants

Vs.

Head Constable Susheel Kumar

...Respondent

8.

LPA-70-2026 (O&M)

State of Haryana and others

...Appellants

Vs.

Rajender Singh

...Respondent

9.

LPA-698-2026 (O&M)

State of Haryana and another

...Appellants

Vs.

EHC Satpal Singh

...Respondent

10.

LPA-700-2026 (O&M)

State of Haryana and another

...Appellants

Vs.

EASI Mohd. Ali

...Respondent



**CORAM: HON'BLE MR. JUSTICE ASHWANI KUMAR MISHRA
HON'BLE MR. JUSTICE ROHIT KAPOOR**

Present: Mr. Ajay Redhu, Advocate
for the appellant(s) in LPA-3644-2025, LPA-3425-2025 and
for the respondents in LPA-34-2026, LPA-640-2026,
LPA-642-2026, LPA-643-2026, LPA-647-2026, LPA-70-2026,
LPA-698-2026 & LPA-700-2026.

Mr. Pankaj Middha, Addl. A.G. Haryana
for the appellant(s) in LPA-34-2026, LPA-640-2026,
LPA-642-2026, LPA-643-2026, LPA-647-2026 & LPA-70-2026
and for the respondent(s) in LPA-3644-2025, LPA-3425-2025.

Mr. Rajesh Gaur, Addl. A.G. Haryana
for the appellant(s) in LPA-698-2026 & LPA-700-2026.

ASHWANI KUMAR MISHRA, J. (Oral)

1. These ten appeals arise out of the judgment of the learned Single Judge dated 22.08.2025, whereby the learned Single Judge has directed continuity in service as well as 50% of pay for the period between the date of acquittal to the date of reinstatement.

2. The State is aggrieved by the order of the learned Single Judge on the ground that the question with regard to grant of benefits allowances upon reinstatement has not been examined by the learned Single Judge with reference to Clauses 7.3 and 7.5 of the Punjab Civil Service Rules (hereinafter referred to as 'the Rules').

3. It is further argued that a reliance could not have been placed by the learned Single Judge on the judgment in '*Sukhbeg Singh vs. State of Punjab and others*' CWP-2482-2025, decided on 10.02.2025, inasmuch as the judgment in said case was in the context of distinct facts and was otherwise



based on concession and could not have formed the basis for grant of relief herein.

4. The employees, on the other hand, argue that once the criminal proceedings on identical charges have failed then the employees are entitled to reinstatement alongwith all service benefits as well as backwages.

5. We have heard learned counsel for the parties and perused the materials on record.

6. With the consent of learned counsel for the parties, these appeals are being disposed of at the admission stage itself.

7. It transpires that the police officials herein (the writ petitioners) were placed under suspension on the charge of illegally detaining a person and extorting money from him. The disciplinary inquiry followed which led to passing of the order of dismissal against the employees concerned. It appears that on the same set of allegations criminal proceedings were also initiated. In the criminal proceedings, the Court of Sessions ultimately acquitted the accused persons by holding that the prosecution has not been able to bring home the charge beyond reasonable doubt.

8. Para 15 of the judgment of acquittal dated 26.07.2013 reads as under:-

"15. For the reasons recorded above, the prosecution has failed to bring home the guilt of accused beyond the shadow of any reasonable doubts. It is settled law that benefit of doubt always goes to the accused. Hence, giving benefit of doubt they are acquitted of the charges framed against them. Their bail bonds stand discharged. File be



consigned to record room after due compliance. Case property, if any, be disposed of as per rules after expiry of period of appeal/revision."

9. It transpires that in a batch of petitions with leading writ petition i.e. CWP-17934-2015, a direction was issued to reconsider the case of reinstatement of these employees, for which, the employees were permitted to make representation. Pursuant to such order of the writ Court, the Director General of Police has reinstated all the employees without any benefit of continuity in service or backwages. It was this order, which was then assailed where the employees claim continuity in service alongwith backwages.

10. Learned Single Judge referred to a previous order passed in the matter on 17.02.2020 and thereafter, issued the following directions:-

*"2. This Court vide order dated 10.02.2025 passed in **“Sukhbeg Singh Vs. State of Punjab and Ors.”**, CWP-2482-2025, in similar circumstances has directed respondent to pay 50% for the period from the date of acquittal to date of reinstatement. The Court has further directed that the period of absence from duty on account of dismissal from service shall be counted for continuity of service.*

3. On being confronted with the aforesaid order, learned State counsel expressed his inability to controvert applicability of said order to instant cases.

4. In the wake of order dated 10.02.2025, the instant petitions are disposed of with the directions to respondent to count period of absence from duty for continuity of service and pay 50% of the salary for the period from the date of acquittal to date of reinstatement. The needful shall



be done within three months from today.

5. It is made clear that arrears if paid within the aforesaid period would not carry interest, failing which interest @ 7.5% p.a. shall be paid from the date of expiry of said period."

11. The question as to what benefits would flow to an employee on reinstatement would have to be dealt with as per Clauses 7.3 and 7.5 of the Rules. For such purposes, it will have to be seen as to whether the acquittal is on technical grounds or is it a case of clean acquittal.

12. In para 15 of the judgment of the Court of Sessions, the grant of acquittal is also by extending benefit of doubt to the employees concerned. Whether, in the facts of the case, it was by extending benefit of doubt that acquittal was ordered or was it a case of no evidence, had to be gone into by the learned Single Judge.

13. Clauses 7.3 and 7.5 of the Rules specify the factors to be taken into consideration for grant of benefit on reinstatement of an employee. In the facts of the case, we find that there is no consideration on relevant aspects in the judgment of the learned Single Judge. Clauses 7.3 and 7.5 of the Rules read as under:-

"ALLOWANCES ON REINSTATEMENT

7.3. (1) When a Government employee, who has been dismissed, removed or compulsorily retired, is reinstated as a result of appeal, revision or review, or would have been so reinstated but for his retirement on superannuation while under suspension or not, the authority competent to order re-instatement shall consider and make a specific order—

(a) regarding the pay and allowances to be paid to the Government employee for the period of his absence from duty including the period of suspension, preceding his dismissal, removal or compulsory retirement, as the case may be; and

(b) whether or not the said period shall be treated as a period spent



on duty.

(2) *Where the authority competent to order re-instatement is of opinion that the Government employee, who had been dismissed, removed or compulsorily retired, has been fully exonerated, the Government employee shall, subject to the provisions of sub-rule (6), be paid his full pay and allowances to which he would have been entitled, had he not been dismissed, removed or compulsorily retired or suspended, prior to such dismissal, removal or compulsory retirement, as the case may be:*

Provided that where such authority is of opinion that the termination of the proceedings instituted against the Government employee had been delayed due to reasons directly attributable to the Government employee it may, after giving him an opportunity to make representation and after considering the representation, if any, submitted by him, direct, for reasons to be recorded in writing, that the Government employee shall, subject to the provisions of sub-rule (7), be paid for the period of such delay only such amount (not being the whole) of pay and allowances, as it may determine.

(3) *In a case falling under sub-rule (2), the period of absence from duty including the period of suspension preceding dismissal, removal or compulsory retirement, as the case may be, shall be treated as a period spent on duty for all purposes.*

(4) *In cases other than those covered by sub-rule (2) including cases where the order of dismissal, removal or compulsory retirement from service is set aside by the authority exercising powers of appeal, revision or review solely on the ground of noncompliance with the requirements of clause (2) of article 311 of the Constitution and no further inquiry is proposed to be held, the Government employee shall, subject to the provisions of sub-rules (6) and (7), be paid such amount (not being the whole) of pay and allowances to which he would have been entitled, had he not been dismissed, removed or compulsorily retired or suspended prior to such dismissal, removal or compulsory retirement, as the case may be, as the competent authority may determine, after giving notice to the Government employee of the quantum proposed and after considering the representation, if any, submitted by him in that connection within such period as may be specified in the notice:*

Provided that any payment under this sub-rule to a Government employee other than a Government employee who is governed by the provisions of the payment of Wages Act, 1936 (Act 4 of 1936) shall be restricted to a period of three years immediately preceding the date on which order for re-instatement of such Government employee are passed by the authority exercising the powers of appeal, revision or review, or immediately preceding the date of retirement on superannuation of such Government employee, as the case may be.

(5) *In a case falling under sub-rule (4), the period of absence from duty including the period of suspension preceding his dismissal, removal or compulsory retirement, as the case may be, shall not be treated as a period spent on duty, unless the competent authority specifically directs that it shall be so treated for any specified purpose:*

Provided that if the Government employee so desires such authority may direct that the period of absence from duty including the period of suspension preceding his dismissal, removal or compulsory retirement, as the case may be, shall be converted into leave of any kind due and admissible to the Government employee.



***Note.**—The order of the competent authority under the preceding proviso shall be absolute and no sanction of the higher authority shall be necessary for the grant of—*

(a) extraordinary leave in excess of three months in the case of a temporary Government employee; and

(b) leave of any kind due in excess of five years in the case of a permanent and quasi-permanent Government employee.

(6) The payment of allowances under sub-rule (2) or sub-rule (4) shall be subject to all other conditions under which such allowances are admissible.

(7) The amount determined under the proviso to sub-rule (2), or under sub-rule (4) shall not be less than the subsistence allowance and other allowances admissible under rule 7.2.

(8) Any payment made under this rule to a Government employee on his reinstatement, shall be subject to adjustment of the amount, if any, earned by him through an employment during the period between the date of removal, dismissal or compulsory retirement, as the case may be, and the date of reinstatement. Where the emoluments admissible under this rule are equal to or less than the amounts earned during the employment elsewhere nothing shall be paid to the Government employee.

FORFEITURE OF SERVICE ON RESIGNATION

7.5. *(1) Resignation from a service or a post, unless it is allowed to be withdrawn in public interest by the appointing authority, entails forfeiture of past service.*

(2) A resignation shall not entail forfeiture of past service if it has been submitted to take up, with proper permission, another appointment, whether temporary or permanent, under the Government where service qualifies for pension.

(3) Interruption in service in a case falling under sub-rule (2), due to the two appointments being at different stations, not exceeding the joining time permissible under the rules of transfer, shall be covered by grant of leave of any kind due to the Government employee on the date of relief or by formal condonation to the extent to which the period is not covered by leave due to him.

(4) The appointing authority may permit a person to withdraw his resignation in public interest on the following conditions, namely:—

(i) that the resignation was tendered by the Government employee for some compelling reasons which did not involve any reflection on his integrity, efficiency or conduct and the request for withdrawal of the resignation has been made as a result of a material change in the circumstances which originally compelled him to tender the resignation;

(ii) that during the period intervening between the date on which the resignation became effective and the date from which the request for withdrawal was made, the conduct of the person concerned was in no way improper;

(iii) that the period of absence from duty between the date on which the resignation became effective and the date on which the person is allowed to resume duty as a result of permission to withdraw the resignation is not more than ninety days;

(iv) that the aforementioned period of ninety days shall be observed in the manner that the employee concerned should put in his application for withdrawal of resignation within two months of being relieved and the



same should as far as possible be processed within a period of one month; and

(v) that the post, which was vacated by the Government employee on the acceptance of his resignation or any other comparable post, is available.

(5) Request for withdrawal of a resignation shall not be accepted by the appointing authority where a Government employee resigns his service or post with a view to taking up an appointment in or under a private commercial company or in or under a corporation or company wholly or substantially owned or controlled by the Government or in or under a body controlled or financed by the Government.

(6) When an order is passed by the appointing authority allowing a person to withdraw his resignation and to resume duty, the order shall be deemed to include the condonation of interruption in service but the period of interruption shall not count as qualifying service."

14. The provisions, extracted above, would indicate that distinct exigencies in the event of reinstatement are required to be dealt with differently and each case will have to be examined in the facts of its own.

15. In the present case, the dismissal otherwise was pursuant to disciplinary inquiry. To what extent evidence was identical in disciplinary proceedings and the judicial proceedings or what was the nature of acquittal would have a bearing on the ultimate benefit to be granted on the reinstatement of employees concerned. Since consideration on relevant aspect is found wanting and the orders in disciplinary proceedings have not been adverted to, we are of the view that the issue raised in this bunch of appeals would require reconsideration.

16. So far as the order passed in ***Sukhbeg Singh*** is concerned, it was a case in which termination was only on account of criminal proceedings and no disciplinary action was taken. Moreover, the order of the writ Court was based mainly on concession and could not be extended in other cases. The judgment in ***Sukhbeg Singh*** is reproduced hereinafter:-

"1. The petitioner through instant petition filed under Articles



226 and 227 of the Constitution of India is seeking modification of order dated 09.08.2024 (Annexure P-2) whereby respondent has denied him salary for the period he remained out of service and declared said period as non-duty period.

2. Mr. Sachdeva submits that petitioner was dismissed from service on 23.11.2020. The foundation of dismissal from service was registration of FIR under Prevention of Corruption Act, 1988. The trial Court vide judgment dated 09.11.2023 acquitted him in criminal proceedings. He was reinstated vide order dated 09.08.2024, however, has been denied pay for the dismissal period and said period has been treated as non-duty period. He may not be entitled for salary till the date of his acquittal, however, he is entitled to salary post acquittal. The period of absence from duty may be treated as duty period.

3. Mr. Aman Dhir, DAG, Punjab, who on advance notice is present in Court, submits that he leaves to this Court to decide question of quantum of back wages and continuity of service.

4. Considering the fact that petitioner is claiming salary post his date of acquittal, this Court finds it appropriate to direct the respondent to pay him salary to the extent of 50% for the period from the date of acquittal to date of reinstatement. The petitioner has been acquitted by trial Court and his ground of dismissal from service was registration of criminal case. As he has been acquitted and remained absent on account of dismissal from service, the period of absence from duty needs to be counted for continuity of service.

5. Ordered accordingly.

6. Disposed of. Let the needful be done within 3 months from today."

17. Learned counsel for the parties submit that as consideration on relevant aspects is lacking, as such, instead of keeping the appeals pending, it



would be appropriate that the matter be remitted to the learned Single Judge for consideration of cause in correct perspective afresh.

18. In such view of the matter, we **allow** these appeals and remit back the matter to the learned Single Judge for a fresh consideration of cause, in respect of the benefits that are to flow consequent upon reinstatement of the employees concerned. We may record that reinstatement of the employees is not in issue. It is only the benefits that would flow from such reinstatement in terms of Clauses 7.3 and 7.5 of the Rules, which would require consideration.

19. In order to facilitate such fresh consideration of cause, the judgment of the learned Single Judge dated 22.08.2025 is set aside.

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

(ASHWANI KUMAR MISHRA)
JUDGE

(ROHIT KAPOOR)
JUDGE

16.03.2026

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Whether speaking/reasoned :	Yes	No
Whether Reportable :	Yes	No