



\$~66

*

IN THE HIGH COURT OF DELHI AT NEW DELHI

+

W.P.(C) 8039/2017

AMARNATH MAHTO

.....Petitioner

Through: Mr. Prakash Kumar Singh &
Mr. Ranjeet Kumar, Advs.

versus

UNION OF INDIA & ORS.

.....Respondents

Through: Mr. Ajay Pal, Law Officer, Insp
Athurv & Mr. Ramniwas
Yadav, CRPF
Mr. Mukul Singh CGSC with
Mr. Aryan Dhaka Adv.

CORAM:

HON'BLE MR. JUSTICE ANIL KSHETARPAL

HON'BLE MR. JUSTICE AMIT MAHAJAN

ORDER

%

16.04.2026

1. On 08.04.2026, the following order was passed:

"1. The present petition is filed seeking quashing of the order dated 17.05.2014 passed by the competent authority whereby the Petitioner was dismissed from service.

2. Unfortunately, the Petitioner has passed away during the pendency of the Writ Petition and his LRs have been brought on record.

3. The Petitioner joined the services of CRPF on 14.01.2006. This Court has been given to understand that the services of the Petitioner, who is now no more in the world, were dispensed with by order dated 17.05.2014 on account of his conviction in a criminal case registered under Section 376 of the Indian Penal Code, 1860.

4. Admittedly, the Department did not hold any departmental enquiry except giving show cause notice. In Appeal, the conviction of the Petitioner had been set aside by the High Court of Jharkhand vide judgment dated 12.10.2015.

5. Learned counsel representing the Respondents submits that the Petitioner's acquittal is not honourable. He, however, admits that the departmental enquiry was never held against the Petitioner.

6. At this stage, learned counsel representing the Respondents prays for and is granted adjournment to take further instructions.

7. List on 16.04.2026 in the Supplementary List.

8. No further request for adjournment shall be entertained."



2. Though the learned counsel representing the Respondents made efforts, however, he has failed to draw the attention of the Court to any rule or judgment which lays down that dismissal of an employee solely on the basis of conviction in a criminal case can be sustained after he has been acquitted.
3. Admittedly, no departmental inquiry was held against Late Amarnath Mahto.
4. It is well settled that in case the discharge of an employee is helmed *solely* on their conviction in criminal proceedings, though the employer may deny wages to such an employee for the period they were not in service, the said employee cannot be denied reinstatement pursuant to acquittal in appeal [Ref. ***Ranchhodji Chaturji Thakore v. Gujrat Electricity Board, Himmatnagar : (1996) 11 SCC 603*** and ***Union of India v. Jaipal Singh : (2004) 1 SCC 121***].
5. In these circumstances, this Court is left with no choice but to quash the dismissal order passed on 17.05.2014 and direct the Respondents to release the consequential benefits, but without back wages as the FIR was not registered at the behest of the Respondent department.
6. The present petition is allowed in the aforesaid terms.

ANIL KSHETARPAL, J

AMIT MAHAJAN, J

APRIL 16, 2026

“SS”