



CWP-3710-2021

- 1-

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

257

CWP-3710-2021

Date of decision: 21.01.2025

Rahul Kumar

...Petitioner

Versus

State of Punjab and another

...Respondents

CORAM: HON'BLE MR. JUSTICE AMAN CHAUDHARY

Present:- Mr. Madav Pokhrel, Advocate
for the petitioner.

Mr. Satnam Preet Singh, DAG, Punjab.

AMAN CHAUDHARY, J. (ORAL)

1. The petitioner prays for the release of salary, pay, and allowances for the period from the date of acquittal until reinstatement, i.e., from 09.01.2019 to 18.09.2019.

2. While in service of the Govt. Senior. Secondary School (Girls Phagwara the petitioner was implicated in FIR No. 72 registered at Police Station, Satnampura, resulting in his suspension vide order dated 08.01.2019 w.e.f from the date that he was placed in custody, 08.12.2017. On acquittal of the charges under section 304/323 r/w section 34 of the IPC by the Addl Session Judge, Kapurthala vide judgment delivered on 08.01.2019, his representation dated 11.01.2019 was accepted vide order dated 12.09.2019 and he came to be reinstated only on 18.09.2019

3. The indifference of the respondents, demonstrated by their failure to act on the case of the petitioner for over 8 months, while he was ready and willing to work, cannot serve as a justifiable reason to withhold the financial entitlements for the intervening period in light of the judgments of



Hon'ble the Supreme Court in **Union of India vs. Jaipal Singh**¹, wherein the respondent, was accorded back wages from the date he was acquitted by the appellate Court for offence under Section 302 IPC, till reinstatement by the High Court as also in **Raj Narain vs. Union of India**², wherein the appellant, who was acquitted of the offences under Sections 409, 467 and 420 IPC by the High Court was also held entitled to back wages from the date of acquittal.

4. The parapet of justice, dictates that upon exoneration, reinstatement along with all attendant entitlements, is not merely a matter of equity but an inexorable necessity, as though the adverse order stemming from the criminal proceedings had never existed. Acquittal mandates *restitutio in integrum*, for any denial of remuneration would be repugnant to the cardinal principles of fairness and natural justice. The impugned order, bereft of any cogent reasons for withholding such benefits, stands wholly untenable in the face of settled jurisprudence.

5. On an overall circumspection, the impugned order dated 16.03.2020, Annexure P-9 deserves to be and is hereby set aside. As a sequitur thereto, the petitioner is held entitled full salary from the date of his acquittal till his reinstatement. Needful be done within a period of two months.

6. Disposed of accordingly.

(AMAN CHAUDHARY)
JUDGE

21.01.2025
Hemant

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

¹ (2004) 1 SCC 121

² (2019) 5 SCC 809