



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

208

CWP-16064-2015 (O&M)

Decided on: 16.01.2025

Lal Chand

...Petitioner

Versus

State Of Punjab and Others

...Respondents

CORAM: HON'BLE MR. JUSTICE AMAN CHAUDHARY

Present: Mr. S.P.S. Tinna , Advocate for the petitioner

Mr. Satnampreet Singh, DAG, Haryana

AMAN CHAUDHARY, J.

1. As it emerges from the petition, while being employed as Village Development Organizer at Block Khuiyan Sarwar, Abohar, under respondent No.5, the petitioner, was implicated in FIR No.124 dated 17.08.1996 at the Police Station, Khuiyan Sarwar, and was placed under suspension pursuant to his conviction by the Additional Sessions Judge, Ferozepur, under Sections 306/34 IPC on 05.02.2003, was dismissed from service vide order dated 14.05.2003, Annexure P-1. However, upon appeal, this Court acquitted him on 23.05.2011, resulting in his reinstatement through order dated 24.12.2014, Annexure P-4, following which he joined as Gram Sewak in the office of respondent No. 5 on 31.12.2014 but the period of suspension was directed to be treated as leave of kind due, vide order dated 26.03.2015, during which period only subsistence allowance was drawn by him.

2. At the outset, the learned counsel limits his prayer to the salary from the date of acquittal, on account of the undue delay for which the petitioner cannot be held responsible, as he was always ready to resume his



duties and willing to work, regarding which, despite best efforts, learned State counsel was not able to offer any justification.

3. Keeping the petitioner at bay for more than three years, portrays an indifferent attitude of the Department and the same cannot serve as a valid basis for denying the petitioner the financial entitlements for the intervening period in light of the judgments by Hon'ble the Supreme Court in **Union of India vs. Jaipal Singh**¹, wherein the respondent, was accorded backwages from the date he was acquitted by the appellate Court for offence under Section 302 IPC, till reinstatement by the High Court and in **Raj Narain vs. Union of India**², 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 substratum of justice mandates that once an individual is exonerated, it is not merely a matter of fairness but an imperative necessity that he be reinstated to his rightful position, along with all corresponding entitlements, as if the adverse order arising from the criminal proceedings had never existed. His acquittal necessitates complete restoration, as any deprivation of remuneration would violate fundamental tenets of fairness. The impugned order, lacking any cogent justification for withholding such benefits, is thus unsustainable in light of settled jurisprudence.

5. In sum, on an overall circumspection, in view of the discussion in the preceding paragraphs, the impugned order dated 26.03.2015, Annexure P-6 is hereby set aside and as a sequitur, the petitioner is held entitled full

¹ (2004) 1 SCC 121

² (2019) 5 SCC 809



salary from the date of his acquittal till his reinstatement. Needful be done within a period of two months.

6. Disposed of accordingly.

16.01.2025

M.Kamra

**(AMAN CHAUDHARY)
JUDGE**

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