IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

****

203 **CWP-25762-2018**
Date of Decision:22.08.2025

SUBHASH KUMAR ...Petitioner

Vs.

STATE OF HARYANA AND ANR …Respondents

With

Sr. No.	Case No.	Petitioner(s)	Respondent(s)
2.	CWP-25763-2018	Kuldeep Singh	State of Haryana and Anr.
3.	CWP-26828-2018	Mohd. Ali	State of Haryana and Anr.
4.	CWP-25764-2018	Susheel Kumar	State of Haryana and Anr.
5.	CWP-26403-2018	Dalbir Singh	State of Haryana and Anr.
6.	CWP-26827-2018	Satpal Singh	State of Haryana and Anr.
7.	CWP-26829-2018	Lekh Ram	State of Haryana and Anr.
8.	CWP-15282-2019	Rajender Singh	State of Haryana and Ors.

CORAM:- HON'BLE MR. JUSTICE JAGMOHAN BANSAL

Present:- Mr. R.K. Malik, Sr. Advocate with
Mr. Sandeep Dhull, Advocate for the petitioner
(in CWP-25762-2018, CWP-25763-2018, CWP-26828-2018, CWP-25764-2018, CWP-26827-2018 and CWP-26829-2018)

Mr. Ajay Redhu, Advocate
for Mr. S.K. Redhu, Advocate for the petitioner
(in CWP-15282-2019 and CWP-26403-2018)

Mr. Shivansh Malik, Advocate for the petitioner
(in CWP-15282-2019)

Mr. Ravi Partap Singh, DAG Haryana

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JAGMOHAN BANSAL, J. (ORAL)

1. On 17.02.2020 following order was passed by this Court:-

> *"The petitioner (in CWP-25762-2018) has filed the present writ petition inter alia, with the prayer to quash the order dated 29.11.2017 (P3) to the extent that the petitioner has been deprived of full salary of the suspension period and further deprived full salary from the date of dismissal to the date of reinstatement. Further directions have been prayed for to consider the said period as duty period for all intents and purposes along with arrears.*
>
> *Learned senior counsel contends that the brief facts which can be noticed are that the petitioner was initially appointed on 27.11.2003. An FIR was registered against him. In the FIR, the petitioner was acquitted vide judgment dated 31.03.2014 (P1). On the same allegation, departmental enquiry was initiated against the petitioner. During the pendency of the criminal trial, the petitioner was dismissed from service on 02.08.2012. In spite the fact that he was acquitted, the authorities did not take into consideration the provisions of Rule 16.3 of the Punjab Police Rules. His appeal and revision petition preferred thereafter were dismissed 05.06.2013 and 09.01.2015, respectively (wherein he had made a prayer for reinstatement on account of acquittal by the Court). Aggrieved of the same, the petitioner filed CWP No.17935 of 2015. On 17.05.2017, the writ petition (with lead order in CWP No.17934 of 2015) was disposed of with a following directions:-*
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> > *"In my opinion, the more reasonable interpretation would be that whatever be the stage of the disciplinary proceedings, once a police officer is acquitted, the competent authority would have to*

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consider the impact of Rule 16.3 at that point of time. If at that stage, whether it is the original inquiry or the appeal or the revision, the competent authority comes to the conclusion that none of the exceptions mentioned in Rule 16.3 (1) are available it would have to drop the disciplinary proceedings. If on the other hand the competent authority comes to the conclusion that any or more than one of the exceptions to Rule 16.3 (1) are applicable and records so, then it would be justified for him to proceed further with the departmental proceedings. In this view of the matter in all these cases the order which has been passed after the acquittal of the petitioner concerned is set aside and that very competent authority is directed to proceed in accordance with the judgment in Baljit Singh's case (supra) which has been quoted above.

If there is a case where the disciplinary proceedings were pending at the original stage then the effect of setting aside the punishment order would remain in abeyance till such time as the competent authority has re-determined the issue.

Learned senior counsel for the petitioner(s) states that once the petitions are being allowed on this short ground he does not press the other grounds at this stage. Consequently, these petitions are allowed in the above terms and the competent authority is directed to re-consider the case along with the judgment of acquittal and then proceed further. For this purpose the petitioner(s) would file the necessary representation to the authority concerned who will decide the same by passing a speaking order thereon within three months of the receipt thereof.

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Since the main case has been decided, the pending civil miscellaneous application, if any, also stands disposed of."

In compliance of the above judgment, the competent authority i.e. the Director General of Police on 29.11.2017 passed the order reinstating the petitioner in service with immediate effect. The grievance of the petitioner is to the extent of the observation as reproduced hereinunder:-

"...They will not be paid anything for the period they remain out of service due to dismissal on the principle of "No Work No Pay".

Learned State counsel submits that the petitioner(s) are not entitled to relief as claimed for because the principle of "no work no pay" would apply. She further submits that the Department has already taken a lenient view and resultantly has reinstated the petitioner(s) in job.

Heard learned counsel for the parties.

This Court prima facie finds force in the submission made by learned senior counsel. In the present case, if the principle as to whether it was on account of an act by the Department that the petitioner(s) have remained out of job is applied, it would lead to a conclusion that after acquittal i.e. on 31.03.2014 till the date of reinstatement i.e. 29.04.2017, no fault can be found on the part of the petitioner(s). The petitioner(s) would, therefore, be entitled to salary for the said period.

Therefore this Court, as prayed for, by learned State counsel grants an opportunity to the Department to examine the issue and apprise regarding its decision on the following proposal:-

(i) the petitioner(s) would be entitled to treat their service as continuous.

(ii) the petitioner(s) would also be entitled to treat the

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disputed period as period spent on duty throughout.

(iii) the petitioner(s) shall not be entitled to any salary from 02.08.2012 to 31.03.2014 (in the other connected matters, the dates herein shall be taken as date of dismissal from service to the date of acquittal by the criminal court).

(iv) the petitioner(s) shall however, be entitled to salary from 31.03.2014 i.e. date of acquittal till the date of reinstatement.

Post again for further consideration on 03.04.2020.

Photocopy of this order be placed on the file of other connected case(s)."

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.

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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.

6. Pending application(s), if any stands disposed of.

(JAGMOHAN BANSAL)
JUDGE

22.08.2025
Deepak DPA

Whether Speaking/reasoned Yes/No
Whether Reportable Yes/No

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