



REPORTABLE

HIGH COURT OF JUDICATURE FOR RAJASTHAN
BENCH AT JAIPUR

D.B. Special Appeal Writ No. 233/2025

CNR: RJHC020188772025 | URN: SAW / 699U / 2025



Dalbeer Singh (Constable No. 6298) S/o Shri Harnath Singh,
Aged About 43 Years, R/o Saagaasi, Tehsil Nawalgarh, District
Jhunjhunu, Rajasthan.

-----Appellant

Versus

1. State Of Rajasthan, Through Director General Of Police,
Jaipur (Rajasthan)
2. Commissioner of Police, Police Commissionerate,
Government Hostel, M.I. Road, Jaipur
3. Deputy Commissioner of Police, DCP Headquarters,
Government Hostel, M.I. Road, Jaipur.

-----Respondents

For Appellant(s)	:	Mr. Mahendra Shah, Sr. Advocate assisted by Mr. Akshay Dutt Sharma
For Respondent(s)	:	Mr. Samee Khan on behalf of Mr. Bhuwnesh Sharma, AAG

DIVISION BENCH

HON'BLE THE CHIEF JUSTICE MR. SANJAY K. AGRAWAL
HON'BLE MR. JUSTICE INDERJEET SINGH

Order

25/09/2026

Sanjay K. Agrawal, CJ:

1. Invoking the jurisdiction of this Court under Rule 134 of the Rajasthan High Court Rules, 1952, the appellant herein has preferred this appeal challenging the order of the learned Single Judge dated 15.05.2023, by which the petitioner's/appellant's writ



petition has partly been rejected holding that the petitioner would not be entitled for the monetary benefits.

2. The aforesaid challenge has been made on following factual backdrop:

(i) The appellant herein was convicted by the Jurisdictional Criminal Court for offence punishable under Section 409 of IPC vide judgment and order dated 15.05.2017 and sentenced to rigorous imprisonment for 5 years with a fine of Rs.50,000/-, which was reversed by the Appellate Court and he was acquitted vide judgment and order dated 28.06.2017.

(ii) However, by order dated 08.08.2017 the appellant was dismissed from service, but thereafter realizing the mistake that he has been acquitted, vide order dated 16.02.2018 he was reinstated in service.

(iii) The learned Single Judge has quashed the order dated 08.08.2017, holding that the petitioner would be entitled for the consequential benefits, except monetary benefits. Against the non-grant of back-wages, the appellant has preferred the instant appeal.

3. The question would be whether the appellant would be entitled for the back-wages from the date of termination till the date of reinstatement that is 16.02.2018 as he has already been acquitted on 28.06.2017.

4. The issue involved herein is no longer res integra and it stands conclusively determined by their Lordships of the Supreme



Court by their judgment first of all in **Ranchhodji Chaturji Thakore v. Superintendent Engineer, Gujarat Electricity Board, Himmatnagar**¹ in which their Lordships have considered a case where an employee was dismissed from service on account of his conviction by a criminal court for his involvement in an offence under Section 302/34 of the IPC and subsequently, he was acquitted and as a consequence, reinstated. Their Lordships while considering the issue whether back-wages should be paid to the employee for the period between the date of dismissal and the date of reinstatement held as under: -

“The reinstatement of the petitioner into the service has already been ordered by the High Court. The only question is whether he is entitled to back wages. It was his conduct of involving himself in the crime that was taken into account for his not being in service of the respondent. Consequent upon his acquittal, he is entitled to reinstatement for the reason that his service was terminated on the basis of the conviction by operation of proviso to the statutory rules applicable to the situation. **The question of back wages would be considered only if the respondents have taken action by way of disciplinary proceedings and the action was found to be unsustainable in law and he was unlawfully prevented from discharging the duties.** In that context, his conduct becomes relevant. Each case requires to be considered in its own backdrop. In this case, **since the petitioner had involved himself in a crime, though he was later acquitted, he had disabled himself from rendering the service on account of conviction and incarceration in jail. Under these circumstances, the petitioner is not entitled to payment of back wages.**”

5. Similarly, in the matter of **Union of India v. Jaipal Singh**², the principle of law laid down in **Ranchhodji Chaturji Thakore** (supra) has been followed with approval.

1 (1996) 11 SCC 603

2 (2004) 1 SCC 121



6. In the matter of Management of **Reserve Bank of India, New Delhi v. Bhopal Singh Panchal**³, the Supreme Court has considered a provision in the service regulation which provided that an employee, who is absent from duty without any authority, shall not be entitled to any pay and allowance during the period of such absence (similar to F.R. 17) and held as under: -

"15. ... It is only if such employee is acquitted of all blame and is treated by the competent authority as being on duty during the period of suspension that such employee is entitled to full pay and allowances for the said period. In other words, the Regulations vest the power exclusively in the Bank to treat the period of such suspension on duty or on leave or otherwise. The power thus vested cannot be validly challenged. During this period, the employee renders no work. He is absent for reasons of his own involvement in the misconduct and the Bank is in no way responsible for keeping him away from his duties. The Bank, therefore, cannot be saddled with the liability to pay him his salary and allowances for the period. That will be against the principle of 'no work, no pay' and positively inequitable to those who have to work and earn their pay. ..."

7. In the matter of **State Bank of India and another v. Mohammed Abdul Rahim**⁴, the Supreme Court considering the earlier decisions in **Ranchhodji Chaturji Thakore** (supra), **Jaipal Singh's case** (supra) and **Baldev Singh v. Union of India**⁵, held that subsequent acquittal of Government servant though obliterates his conviction, does not operate retrospectively to wipe out the legal consequences of the conviction under the Act, and observed as under: -

"11. ... During the aforesaid period there was therefore, a prohibition in law on the appellant Bank from employing him. If the respondent could not have remained employed with the appellant Bank during the said period on account of the provisions of the Act, it is difficult to visualise as to how he would be entitled to payment of salary during that period. His subsequent

3 AIR 1994 SC 552

4 (2013) 11 SCC 67

5 (2005) 8 SCC 747



acquittal though obliterates his conviction, does not operate retrospectively to wipe out the legal consequences of the conviction under the Act. The entitlement of the respondent to back wages has to be judged on the aforesaid basis. His reinstatement, undoubtedly, became due following his acquittal and the same has been granted by the appellant Bank.”

8. Finally, in the matter of **Raj Narain v. Union of India and others**⁶, their Lordships have relied upon the decision rendered in **Ranchhodji Chaturji Thakore** (supra) and have held that the appellant therein shall be entitled for back wages only from the date of acquittal till the date of his reinstatement.

9. Coming to the facts of the present case, the appellant was convicted by the trial Court on 15.05.2017 and was ultimately acquitted on 28.06.2017, therefore, he could not have been terminated on 08.08.2017. However, he has been reinstated on 16.02.2018 and as such, he would be entitled for the back-wages from the date of termination (which is subsequent to his acquittal) till the date of reinstatement and in light of the aforesaid principles of law laid down by their Lordships of the Supreme Court in **Ranchhodji Chaturji Thakore** (supra), **Jaipal Singh** (supra), **Baldev Singh** (supra), **Mohammed Abdul Rahim** (supra) and **Raj Narain** (supra), subsequent acquittal of the appellant though obliterates his conviction, but it does not operate retrospectively to wipe out the legal consequences of the conviction, however, the appellant would be entitled for back-wages only from the date of termination (which is subsequent to his acquittal) till the date of his reinstatement in light of decision of the Supreme Court in the matter of **Raj Narain** (supra).

6 (2019) 5 SCC 809



10. As such, the impugned order dated 15.05.2023 is partly set aside to the extent of not granting back-wages. The appellant would be entitled for the back-wages from the date of termination dated 08.08.2017, subsequent to his acquittal, till the date of his reinstatement on 16.02.2018.

11. With the above observations, the appeal stands allowed. Pending application, if any, also stands disposed of.

(INDERJEET SINGH),J

(SANJAY K. AGRAWAL),CJ

8/KAMLESH KUMAR