



2026:AHC:32235-DB

HIGH COURT OF JUDICATURE AT ALLAHABAD

WRIT - A No. - 2047 of 2026

Man Mohan Lal

.....Petitioner(s)

Versus

Union of India and 7 others

.....Respondent(s)

Counsel for Petitioner(s)	: Anubhawa Kumar, Jitendra Singh
Counsel for Respondent(s)	: A.S.G.I., Jigyasa Singh, Manoj Kumar Singh

Chief Justice's Court

HON'BLE ARUN BHANSALI, CHIEF JUSTICE
HON'BLE KSHITIJ SHAILENDRA, J.

1. This petition is directed against order dated 12.02.2024 passed by Central Administrative Tribunal, Allahabad Bench, Allahabad, whereby though the Original Application (O.A.) filed by the petitioner was allowed and petitioner was directed to be reinstated in service, it was ordered that he would not be entitled to any salary from the date of removal till the date of reinstatement. The O.A. was filed aggrieved of the punishment order dated 13.08.2018, appellate order dated 17.11.2018 with all consequential benefits.

2. The petitioner was appointed on the post of Safaiwala in the year 2009 and was promoted on the post of Dresser in the year 2013. During ailment of petitioner's mother and her hospitalisation, the petitioner had some altercations with the Matron of the Central Hospital, North Central Railway, Prayagraj, for which he made complaints. It is claimed that an F.I.R. was lodged against the petitioner by the Medical Director of the Hospital alleging involvement in a gang rape in the Hospital premises. The petitioner was suspended on 11.08.2018 and an inquiry report was submitted on 12.08.2018 and on 13.08.2018, invoking provisions of Rule 14 (ii) of the Railways Servants (Discipline and Appeal) Rules, 1968 (for short 'the Rules of 1968'), the petitioner was dismissed from service. The statutory appeal was rejected by the Appellate Authority on 17.11.2018. Aggrieved of the same, the O.A. was filed challenging the validity of the order of dismissal and the appellate order.

3. Subsequently, in the F.I.R. lodged, a final report was given, wherein the petitioner was exonerated from the charges, against which a protest petition was filed before the Chief Judicial Magistrate, Allahabad, which was dismissed on 07.09.2021. However, despite exoneration from the criminal charges, the petitioner was not reinstated.

4. The respondents contested the petition with the submissions that punishment was commensurate with the gravity of charges and as such, petitioner was not entitled to any relief.

5. The Tribunal, after hearing the parties, came to the conclusion that F.I.R. was lodged based on which the Disciplinary Authority passed the order of dismissal. Post investigation, final report was submitted by the Police that no incident had taken place and the petitioner had not committed the offence and charges against him were not established. The protest petition was dismissed and in view of a full exoneration in the criminal case, the petitioner was entitled for reinstatement and consequently, quashed the orders impugned. However, while dealing with the aspect of consequential relief, it was ordered that he will not be entitled to salary from the date of removal till the date of reinstatement.

6. Counsel for the petitioner made submissions that the Tribunal was not justified in denying the salary for the period from removal to reinstatement inasmuch as no inquiry was held. Provisions of Rule 14 of the Rules of 1968 were invoked and on the second day of filing of the F.I.R., he was removed from service in a highhanded manner and once there was a complete exoneration from the charges wherein even charge sheet was not filed, the denial of monetary benefits from the date of dismissal to the date of reinstatement is wholly unjust. Reliance was placed on judgements in **Union of India Vs. K.V. Jankiraman : 1993 SCC (L & R) 387** and **Dr. Vinod Shankar Dubey Vs. State of U.P. and others : (2016) 3 UPLBEC 1871**.

7. Counsel for the respondents supported the order impugned. Submissions were made that once a charge of grave offence was made against the petitioner, he was rightly dismissed from service by invoking the provisions of Rule 14 of the Rules of 1968 and on account of principle

of 'no work no pay', he is not entitled to any relief.

8. We have considered the submissions made by the parties and have perused the material available on record.

9. A bare perusal of the order of dismissal passed by the Disciplinary Authority reveals that in a wholly cursory manner and apparently by way of knee jerk reaction on account of the lodging of the F.I.R., provisions of Rule 14 (ii) of the Rules of 1968 were invoked and without any inquiry, the petitioner was dismissed from service. The provision envisages that where the Disciplinary Authority is satisfied, for reasons to be recorded in writing that it is not reasonably practicable to hold an inquiry in the manner provided in the Rules, the Disciplinary Authority may consider the circumstances of the case and make such orders thereon as it deems fit. However, in the order dated 13.08.2018 dismissing the petitioner, the only observation made was that in such type of cases, Railway Department may not issue charge sheet and hold inquiry in terms of the Rules of 1968, the case being of criminal nature. Such observation, under no circumstance fulfills the requirement of the Rules.

10. Be that as it may, once dismissal had taken place only on account of lodging of the F.I.R. wherein even charge sheet against the petitioner was not filed and the protest petition filed was dismissed, the petitioner was entitled to be reinstated forthwith. However, no steps were taken for his reinstatement despite the fact that O.A. questioning the dismissal and the appellate order was filed in the year 2019 and was pending and the Tribunal was required to quash the said orders.

11. It is well settled that if an employee is completely exonerated, he is entitled to be given the benefit of salary for the period he was removed from service till his reinstatement, as Rule of 'no work no pay' in the circumstances would not be applicable.

12. This Court in the case of **Dr. Vinod Shankar Dubey (supra)**, *inter alia*, laid down as under:-

"5. The petitioner was acquitted from a criminal case by a court of law.
No appeal has been filed by the State Government against his acquittal.

Once a Government servant is acquitted and in the absence of any department proceeding being initiated against him, it is imperative for the Department to grant full salary for the period in question. In similar circumstances in *Dr. Ram Khelawan Singh v. State of U.P. and another*, 2008 (8) ADJ 324 (DB) the Government servant was acquitted from the criminal charge. The Court held that the Government servant should be given all benefits of service including the arrears of salary during the suspension period. We are in complete agreement with the said decision and hold that once the petitioner is acquitted from criminal charges and in the absence of any departmental proceedings initiated against him, the petitioner would be entitled for full salary for the period when he was deemed to remain under suspension."

13. The present case is squarely covered by the observations made in the case of **Dr. Vinod Shankar Dubey (supra)**.

14. In view of the above discussion, the petition is allowed. The order dated 12.02.2024 passed by the Tribunal is modified to the extent that the petitioner would be entitled to all the monetary benefits from the date of his dismissal/removal till the date of his reinstatement.

15. The benefits be paid to the petitioner within a period of six weeks from the date of this order.

(Kshitij Shailendra, J) (Arun Bhansali, CJ)

February 11, 2026

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