
(1997) 04 AHC CK 0151
In the Allahabad High Court
Case No : C.M.W.P. No. 12601 of 1997

Ram Awadh

APPELLANT

Vs

Deputy Inspector General, Western Region and Others

RESPONDENT

Date of Decision : 11-04-1997

Acts Referred:

Penal Code, 1860 (IPC) — Section 304, 32, 323, 34, 504
Scheduled Castes and the Scheduled Tribes (Prevention of Atrocities) Act, 1989 —
Section 3(1)(10)

Citation : (1997) 04 AHC CK 0151

Hon'ble Judges : M. Katju, J

Bench : Single Bench

Advocate : R.P. Giri, for the Appellant;

Final Decision : Allowed

Judgement

M. Katju, J.—Heard learned Counsel for Petitioner and Sri R. K. Singh learned Counsel for Respondents.

2. The Petitioner was appointed as a member of the Central Industrial Security Force on 2.8.1994 and subsequent his services were terminated by order dated 26.12.95, Annexure 2 to the petition on the ground that he had not disclosed the fact while seeking appointment that he was involved in a case u/s 323/504, I.P.C. read with Section 3(1)(10), S.C.S.T. Act. It appears that the Petitioner had been acquitted in the aforesaid criminal case vide judgment dated 9.12.94, Annexure 1 to the person. Since there is now nothing against the Petitioner obviously, the termination order cannot stand.

3. Learned Counsel for Respondents invited my attention to decision of the Supreme Court in Delhi Administrator v. Sushil Kumar 1997 (1) ESC 179. In my opinion that case is distinguishable. In that case the Petitioner has never been selected at all and moreover his application had been rejected on the ground that he did not have desirable precedent. There is nothing in the aforesaid decision to show that his application was rejected on (sic) of being involved in a particular

criminal case although he had acquitted in the case under Sections 304/32 and 34, I.P.C.

4. In the present case, the termination order itself shows that the only ground of termination is involvement in a particular criminal case. The Petitioner has been acquitted in that criminal case, and hence obviously now nothing remains against the Petitioner. It is settled law that all judgments operate retrospectively (unless expertly made prospective), and hence (sic) it must be deemed that there was never any involvement of the Petitioner in the criminal case. The acquittal of the Petitioner washes off his involvement in the criminal case retrospectively. That being so, no basis for the impugned order dated 26.12.95 remains. The petition is consequently allowed. No order as to costs.