



**HIGH COURT OF JUDICATURE FOR RAJASTHAN AT  
JODHPUR**

S.B. Civil Writ Petition No. 10394/2011

Nathu Lal Jaroli s/o Kanhiya Lal Jaroli, r/o Morwan, Police Station  
Bhadsoda, District Chittorgarh.

-----Petitioner

Versus

1. State of Rajasthan through the Secretary to the Government, Department of Water Resource, Secretariat, Jaipur.
2. Secretary, Department of Personnel (Ka-3/Shika), Secretariat, Jaipur.
3. Chief Engineer, Water Resources Department, Jaipur.
4. Executive Engineer, Water Resources Department, Division- I, Chittorgarh.

-----Respondents

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For Petitioner(s)	:	Mr. Harish Purohit Mr. Shashank Sharma
For Respondent(s)	:	Ms. Neelam Sharma, AGC

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**HON'BLE MR. JUSTICE ARUN MONGA**

**Order (Oral)**

**03/01/2025**

1. Petitioner is before this Court seeking quashing of an order dated 23.05.2011 (Annex.-1) passed by respondent No.2, vide which arrears of salary for the period the petitioner remained under suspension, i.e., from 07.11.2002 to 11.08.2009, were denied on the ground that the petitioner was acquitted in criminal proceedings (which led to his suspension) by being given the benefit of the doubt.

2. Relevant facts first. The petitioner is working as Junior Engineer and his services were placed under suspension on 07.11.2002, due to a criminal case (No. 23/1999) filed against him, under the Rajasthan Civil Services (CCA) Rules, 1958. However, no departmental inquiry was initiated.

He was later acquitted on 12.06.2009. The State's appeal against the acquittal was rejected by this Court vide order dated 30.11.2009.

The petitioner was reinstated on 11.08.2009. However, for suspension period from 07.11.2002 to 11.08.2009, his salary was withheld. He submitted several representations requesting regularization of the suspension period and payment of arrears. In response, an order dated 23.05.2011 was issued, regularizing the suspension period but denying payment of arrears, except for the subsistence allowance, citing the reason that his acquittal based on the benefit of the doubt. Hence, the present petition.

3. Respondents' stand, *inter alia*, is that the petitioner was acquitted based on the benefit of the doubt. Under Rule 54 of the Rajasthan Service Rules, the petitioner is entitled to consequential benefits, however, he is not entitled for any other benefits except the subsistence allowance, which has already been paid. Therefore, the petitioner has no valid grounds to challenge the validity of the order dated 23.05.2011.

4. In view of the aforesaid stand, dismissal of the petition is sought by the respondents stating that the benefit of salary after deducting the subsistence allowance has been rightly withheld in view that the petitioner having been acquitted in the criminal proceedings by the competent criminal Court merely on the ground of benefit of doubt.

5. I have heard the learned counsel for the petitioner and I am of the view that the insipid stand taken by the respondents cannot meet the judicial approval, the same is being noted only to be rejected. Reasons are not far to seek. Let us see how.

6. At the very threshold, I am constrained to observe that once a competent Court has threadbare gone into the evidence adduced by both the sides and found that there was no sufficient material on record which was incriminating enough so as to fasten any criminal culpability on the accused, merely because the accused has been acquitted on the ground that benefit of doubt would not mean that there was otherwise any evidence available.

7. It is but natural that it was only when there is no evidence found against an accused, despite the best efforts of the prosecution to adduce the same, the Court has no other choice but to acquit the accused in absence thereof. In somewhat similar circumstances, I have had an occasion to render a judgment in case titled ***Rajendra Meena vs. State of Rajasthan & Ors.:*** ***S.B. Civil Writ Petition No.15957/2021***. Relevant thereof are paras 12 to 20 which are not being reproduced for sake of brevity.

8. Same view was taken by me in ***Shankar Lal vs. State of Rajasthan*** and other SB Civil Writ Petition No. 756/2022 decided on 18.11.2024.

9. The petitioner, once acquitted of the criminal charges and especially when appellate court dismissed the State's appeal against this acquittal, ought to have been given the benefit thereof, the very genesis for suspension no longer holds valid. The reliance on "benefit of the doubt" as a reason to deny arrears is unfair, unjust and arbitrary. An acquittal per se signifies the absence of sufficient evidence to establish culpability.

10. Moreover, Rule 54, *ibid*, entitles an employee to consequential benefits following acquittal. Denial of arrears is in direct contradiction with the principle of restoring the petitioner to

his rightful position as though the suspension never occurred, save for adjustments like subsistence allowance already paid. A mere "benefit of doubt" acquittal cannot be used as a ruse to deprive an employee of legitimate financial entitlements. Especially, in light of the fact that, despite being suspended under the Rajasthan Civil Services (CCA) Rules, 1958, no departmental inquiry was initiated. Thus it is not even the case that there was any material to substantiate any misconduct during the suspension period.

11. Even otherwise, speaking of equity, the petitioner suffered suspension without any proven wrongdoing or causing any financial loss and yet had to suffer professional hardship and the humiliation and ignominy of suspension. Equity demands that he be compensated fully for the period he was unjustly suspended.

12. As an upshot of my aforesaid opinion, the petition deserves to be allowed. It is accordingly so ordered.

13. As a consequence, the impugned order dated 23.05.2011 is set aside. Respondents are directed to calculate the dues of the petitioner for the period he remained suspended as per the admissible salary payable to him at the relevant time. The said dues shall be payable to him along with applicable rate of interest as per the service rules.

14. Pending application, if any, stands disposed of.

**(ARUN MONGA),J**

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Whether fit for reporting: Yes / No