

SUPREME COURT OF INDIA  
RECORD OF PROCEEDINGS

Petition(s) for Special Leave to Appeal (Civil) No(s).14753/2007

(From the judgement and order dated 14/12/2006 in LPA No. 249/2003 (O&M)  
of The HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH)

STATE OF HARYANA & ORS.

Petitioner(s)

VERSUS

KRISHAN DEV

Respondent(s)

(With prayer for interim relief and office report )(For Final Disposal)

Date: 05/08/2008 This Petition was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE A.K. MATHUR  
HON'BLE MR. JUSTICE DALVEER BHANDARI

For Petitioner(s)

Mr. Arvind K. Gupta, AAG  
Mr. B.B. Singh, Adv.  
Mr. T.V.George,Adv.

For Respondent(s)

Mr. Brijender Chahar, Sr. Adv.  
Mr. Shivalik Yashovardhan, Adv.  
Mr. Vinay Garg, Adv.

UPON hearing counsel the Court made the following  
ORDER

Leave granted.

The appeal is allowed in terms of the signed order. No  
order as to costs.

(Ajay Kr. Jain)  
Court Master

(Vijay Dhawan)  
Court Master

(Signed order is placed on the file)  
IN THE SUPREME COURT OF INDIA  
CIVIL APPELLATE JURISDICTION

CIVIL APPEAL NO. 4885 OF 2008  
(Arising out of SLP(C) No. 14753 of 2007)

State of Haryana & Ors.

.... Appellants

Versus

Krishan Dev

.... Respondent

ORDER

1. We have heard learned counsel for the parties.
2. Leave granted.
3. This appeal by special leave is directed against the judgment and order

dated 14.12.2006 of the Division Bench of the High Court of Punjab and Haryana at Chandigarh whereby the learned Division Bench has modified the order dated 08.01.2003 of the learned Single Judge to the extent that instead of no back wages, the respondent-appellant has been granted 50% of the back wages.

4. It is not necessary for us to go into very many details. Suffice it to say that the respondent herein who was working as Hindi Teacher with the appellant-State Government was convicted under Section 325 IPC and sentenced to undergo one year's rigorous imprisonment by the Judicial Magistrate Ist Class, Jhajjar vide his order dated 25.2.1995. Thereafter the services of the respondent were terminated w.e.f. 25.2.1995 by the District Education Officer, Rohtak vide order dated 20.6.1995. In the meantime, against his conviction and sentence the respondent herein filed an appeal before the learned Addl. Sessions Judge, Rohtak, who by his order dated 19.11.1997 maintained the conviction of the respondent but directed the respondent to be released on probation for a period of two years. Thereafter, the respondent filed an appeal before the Director, Education Department, Haryana claiming reinstatement in service. But the said appeal was dismissed. Then the respondent herein filed a writ petition before the High Court of Punjab & Haryana at Chandigarh which was allowed by a learned Single Judge vide order dated 08.01.2003 directing the appellant-State to reinstate the respondent with continuity of service. However, no back wages were directed to be paid. Aggrieved against the order of learned Single Judge, the respondent filed an appeal before the Division Bench of the High Court which was allowed by modifying the order of the learned Single Judge to the extent that 50% back wages were directed to be paid to the respondent. Against the said order of the Division Bench, the appellant-State is before us by grant of special leave.

5. We have heard learned counsel for the parties and perused the record. It is an admitted position that the respondent was convicted for an offence under Section 325 IPC and sentenced to undergo one year's RI by the Judicial Magistrate First Class, Jhajjar. However, an appeal against the conviction and sentence resulted in maintenance of conviction of the respondent but he was released on probation for a period of two years. Therefore, the detention of the respondent was not under an illegal order of the State. The order by which the respondent was detained and discharged from service as a teacher of the State Government was passed by a Court of competent jurisdiction. Therefore, the State Government should not be burdened with the liability of payment of 50% back wages to the

respondent.

6. The effect of enlargement of respondent on probation does not take away the conviction of the respondent. The effect of enlargement on probation is that a person does not have to undergo physical detention and this will not be treated to be a stigma for the future service. This only removes the disqualification not conviction. Therefore, the respondent cannot claim 50% of the back wages. In this connection our attention was invited to the case of Union of India and Others Vs. Bakshi Ram (1990) 2 SCC, 426 where their Lordships have taken the view that the stigma of conviction is not wiped out and it shall not suffer any disqualification attached to conviction for an offence under the law. As a result, the respondent got back into service but grant of 50% back wages was not at all justified.

7. In view of the aforesaid discussion, we allow this appeal and set aside the order of the learned Division Bench of the High Court granting 50% back wages while maintaining the order of learned Single Judge of the High Court.

8. The appeal is allowed. No order as to costs.

J. (A.K.MATHUR)

J. (DALVEER BHANDARI)

New Delhi  
August 05, 2008