HIGH COURT OF JUDICATURE FOR RAJASTHAN AT JODHPUR

D.B. Spl. Appl. Writ No. 1281/2025

1. The State Of Rajasthan, Through The Chief Medical And Health Officer, Medical And Health Department, District Bhilwara.
2. The Medical And Health Department, Rajasthan, Jaipur.

----Appellants

Versus

1. Smt. Manju Berwa W/o Shri Rajkumar Berwa, R/o Berwa Mohalla, Gulmandi, District Bhilwara.
2. The Judge, Labour Court, Bhilwara, District Bhilwara.

----Respondents

For Appellant(s) : Mr. N. S. Rajpurohit, AAG
For Respondent(s) : Mr. Saurabh Maheshwari with Mr. Devan Maheshwari

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HON'BLE DR. JUSTICE PUSHPENDRA SINGH BHATI
HON'BLE MR. JUSTICE ANUROOP SINGHI

Judgment

06/11/2025

1. The matter comes upon an application filed under Section 5 of the Limitation Act.

2. For the reasons mentioned in the application under Section 5 of the Limitation Act, the same is allowed. The delay of 420 days in filing the special appeal is thus condoned.

3. Mr. N.S. Rajpurohit, learned Additional Advocate General, appearing on behalf of the appellant-State, and Mr. Saurabh Maheshwari, learned counsel appearing on behalf of respondent No.1, jointly submit that the appeal may be finally heard and disposed of at this stage. Accordingly, the appeal has been heard finally today itself.

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4. This special appeal has been preferred by the appellant-State assailing the order dated 14.03.2024 passed by the learned Single Judge of this Court in S.B. Civil Writ Petition No.3809/2006 (The State of Rajasthan v. Smt. Manju Berwa & Anr.), whereby the writ petition filed by the appellant-State was disposed of, while modifying the award dated 08.08.2005 passed by the learned Labour Court, Bhilwara, only to the extent of *back wages*, and directing extension of *notional benefits* to respondent No.1 as indicated in the impugned order.

5. The brief facts, as emerging from the record, are that respondent No.1 was engaged as a Multi-Purpose Worker (Female) on a fixed monthly honorarium of Rs.3,500/- vide office order dated 07.07.2000, under the administrative control of the appellant–Department of Medical & Health, Bhilwara.

5.1. While she was serving in such capacity, an FIR No.302/2002 came to be registered on 31.05.2002 at Bhilwara for offences punishable under Sections 420, 467, 468, 471, 384, and 120-B IPC, allegedly arising out of a family dispute. Pursuant thereto, respondent No.1 was arrested on 18.07.2002, produced before the learned Additional Chief Judicial Magistrate, Bhilwara, and was remanded to judicial custody. She was subsequently enlarged on bail on 26.07.2002.

5.2. After her release on bail, on 27.07.2002, the respondent No.1 reported for resumption of duty; however, permission to resume was declined by the appellant–department. Subsequently, her services were terminated w.e.f. 18.07.2002 vide order dated 17.10.2002, on the ground that she had remained in judicial

custody from 18.07.2002 to 25.07.2002 in connection with the aforementioned criminal case.

5.3. Aggrieved by the termination, the respondent No.1 raised an industrial dispute, which was adjudicated by the Labour Court, Bhilwara. During pendency of such proceedings, she was acquitted of all charges by the competent criminal court vide judgment dated 03.12.2011.

5.4. The Labour Court, vide award dated 08.08.2005, quashed the termination order and directed reinstatement of the respondent on the same contractual terms as existing prior to termination.

5.5. The writ petition preferred by the State against the said award was disposed of by the learned Single Judge vide order dated 14.03.2024, upholding the findings of the Labour Court but modifying the relief of back wages, while directing extension of notional benefits to the respondent. Being aggrieved by the aforesaid order of the learned Single Judge, the appellant–State has preferred the present special appeal.

6. Mr. N.S. Rajpurohit, learned Additional Advocate General appearing on behalf of the appellant–State, submits that the termination order dated 17.10.2002 passed against respondent No.1 was quashed by the learned Labour Court, Bhilwara vide award dated 08.08.2005. He further submits that the writ petition preferred by the State against the said award came to be disposed of by the learned Single Judge vide order dated 14.03.2024.

6.1. Learned Additional Advocate General contends that the entire factual matrix of the case revolves around the FIR registered against the respondent, which had led to her termination, and that

she was subsequently acquitted by the competent criminal court on 03.12.2011. He, however, urges that mere acquittal in a criminal case does not automatically confer any right of reinstatement or entitle an employee to service benefits, unless the departmental termination is found to be perverse or unsupported by law.

7. Per contra, Mr. Saurabh Maheshwari, learned counsel appearing on behalf of respondent No.1, supports the impugned order. He submits that both the Labour Court and the learned Single Judge have rendered concurrent findings after detailed consideration of the material on record and the principles of natural justice. He argues that since the termination was based solely on the pendency of a criminal case, and the respondent now stands acquitted, the very basis of the termination no longer survives.

7.1. Learned counsel for the respondent further submits that there is no other independent material on record to sustain the termination order and that the findings recorded by the learned Single Judge and the Labour Court are strictly in accordance with law, thus calling for no interference in the appellate jurisdiction.

8. Upon perusal of the record and consideration of the factual matrix of the case, this Court finds no reason to take a view different from that of the learned Labour Court and the learned Single Judge. The very foundation of the termination order dated 17.10.2002 rested upon the pendency of a criminal case against respondent No.1. Once the respondent stood acquitted by a competent criminal court vide judgment dated 03.12.2011, the basis of such termination ceased to exist.

9. The concurrent findings recorded by both the forums below are well reasoned, supported by the material on record, and suffer from no perversity or jurisdictional error warranting interference in appellate jurisdiction. Consequently, this Court is of the opinion that no interference is called for in the impugned order passed by the learned Single Judge.

10. Accordingly, the special appeal stands dismissed.

(ANUROOP SINGHI),J **(DR. PUSHPENDRA SINGH BHATI),J**

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