

RBE No. 127/1985: D&A Rules - Reinstatement in Cases of Acquittal - Regularization of Intervening Period

No.E(D&A)84 RG6-26, dated 29.04.1985

Sub: Regularization of the intervening period from the date of suspension/ dismissal, etc., to the date of reinstatement in case of acquittal.

1. Attention is invited to the instructions contained in Railway Board's letter No.E(D&A)69 RG6-48, dated 05.09.1970 and endorsement No.E(D&A)76 RG6-62, dated 08.07.1980 on the above subject.
2. It has been represented to the Railway Board that in case of acquittal by a Court of Law there is no such thing as clear or honorable acquittal and that even if the acquittal is on benefit of doubt the entire period from the date of suspension proceeding the date of dismissal/ removal/ compulsory retirement to the date of resumption should be treated as duty with full pay and allowances.
3. The Department of Personnel has been consulted and it is clarified that while a distinction can be made between cases in which a court sets aside an order passed by an authority on technical grounds like failure to follow the prescribed procedure, and a case in which a person is acquitted by a court, in cases of acquittal themselves, no further distinction is possible as "honorable acquittal" or otherwise. An acquittal by a Court is acquittal from the charges framed against the accused and it has to be treated as such. In the circumstances, cases of acquittal by a Court of Law should be viewed as such and they should be distinguished from cases in which Courts set aside orders of Government on technical grounds like failure to follow the prescribed procedure, failure to fulfill the requirements of Article 311 of the Constitution, etc.
4. Cases of reinstatement following acquittal by a Court of Law, may be dealt with under relevant Sub-rules (2), (3), (6) and (8) of Rule 2041 (FR-54) of the Indian Railway Establishment Code, Vol-II, keeping the above observation in view.

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