

**IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH**

**CWP No. 9344 of 2010
Date of decision: 24.05.2016**

Jagdish Chander Bhatia

..... Petitioner

Versus

UHBVNL and another

..... Respondents

CORAM:- HON'BLE MS. JUSTICE RITU BAHRI

Present: Mr. Naveen Daryal, Advocate,
for the petitioner.

Mr. Mohnish Sharma, Advocate,
for the respondents.

RITU BAHRI, J.

In this writ petition, the petitioner is seeking quashing the order dated 26.05.2009 (Annexure P-5) passed by respondent No.1.

The brief particulars of the case is that the petitioner was convicted in a criminal case under Prevention of Corruption Act. Consequently, he was dismissed from service vide order dated 19.08.1988 by the respondent-board. Thereafter, he filed a criminal appeal which was allowed and his conviction was set aside vide judgment dated 20.12.2002. His legal notice for reinstatement in service with all consequential benefits was rejected by passing a speaking order and this order was challenged by the petitioner in CWP No.17355 of 2003 before this Court. The said petition was allowed on 07.07.2008 (Annexure P-3) by following the judgment in the case of Shashi Kumar vs. Uttri Haryana Bijli Vitran Nigam & Another, 2005(1) SCT 576 and directions were given to respondents and order of dismissal was set aside.

In compliance of this judgment, the petitioner was reinstated vide impugned order dated 26.05.2009 (Annexure P-5) with full back wages, however, the respondents have treated his period of suspension w.e.f. 01.08.1986 to 21.02.1987 and 22.02.1987 to 31.07.1987 as leave of the kind due respectively. The petitioner is now seeking quashing of the above said order (Annexure P-5).

In view of the judgment dated 07.07.2008 (Annexure P-3) passed by this Court, the present petition is allowed and respondents are directed to grant the retiral benefit to the petitioner i.e. leave encashment & recovery amount Rs.16,000/-, medical allowance, HRA, electricity allowance, convenience allowance, commutation pension & interest from the date of termination till the realization alongwith all the consequential benefit @ 9% per annum within a period of three months, from the date of receipt of certified copy of this order.

24.05.2016
Dinesh

(RITU BAHRI)
JUDGE