

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

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**CWP-7758-2014 (O&M)
Date of decision: 17.05.2016**

Maya Ram Chaudhary

....Petitioner

Versus

Punjab National Bank and others

.... Respondents

CORAM: Hon'ble Mr. Justice P.B. Bajanthri

1. Whether Reporters of local papers may be allowed to see the judgment?
2. Whether to be referred to the Reporters or not?
3. Whether the judgment should be reported in the Digest?

Present: Mr. Parveen Gupta, Advocate for the petitioner.

Mr. Manish Dadwal, Advocate for respondent No.2.

P.B. Bajanthri, J. (Oral)

The petitioner, while working in the Punjab National Bank at Ferozepur City as a Auditor, criminal case was launched against him by filing an FIR No. 102 dated 02.07.1991 on the allegations that he had committed cheating in granting loan to the tune of Rs.28,000/- during the period from 02.01.1989 to 12.02.1989 in collusion with the other staff. On 08.12.2003, he was convicted. Based on the conviction order he was dismissed on 15.09.2004. Against the order of conviction dated 08.12.2003, petitioner is stated to have filed criminal appeal before the

competent Court. Criminal appeal was allowed on 03.10.2006. Pursuant to the acquittal order dated 03.10.2006 in criminal appeal, petitioner submitted representation to take him to duty. On 05.03.2007, the petitioner was taken back to duty imposing certain conditions. On 31.10.2014, petitioner has attained age of superannuation and retired from service. In the meanwhile, on 30.11.2013, the respondent Bank rejected the claim of the petitioner relating to back wages and consequential benefits for the intervening period from the date of dismissal to reinstatement.

Aggrieved by the order dated 30.11.2013, the present petition has been filed. Learned counsel for the petitioner admitted that the petitioner is not entitled for back wages in view of the decision of the Apex Court in identical matter preferred by the respondent Bank. Now the question remains is relating to consequential benefits like continuity of service for the period from 15.09.2004 (date of dismissal) to 05.03.2007 (date of reinstatement). Petitioner is entitled for counting the service towards pensionary benefits. The respondents are directed to treat the intervening period as continuing service towards grant of pensionary benefits and calculate the difference of amount and release the same within a period of 8 weeks' from today. If the respondent-bank have already worked out the claim of the petitioner and released arrears of pensionary benefits, this order will not come in the way of implementation.

Disposed of.

17.05.2016
pooja saini

(P.B. BAJANTHRI)
JUDGE