

**IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH.**

COCP No.1399 of 2016

Date of Decision:-08.03.2017

Ramesh Kumar

.....Petitioner.

Versus

Gurinder Pal Singh Bath

.....Respondent.

CORAM:- HON'BLE MR. JUSTICE JASWANT SINGH

Present:- Ms. Ekta Thakur, Advocate for Petitioner.

Ms. Nidhi, Advocate for
Mr. SS Behl, Advocate for the respondent.

JASWANT SINGH, J.(ORAL)

By filing the present contempt petition, the petitioner, who was serving as Sweeper in the Department of Punjab School Education Board, has alleged wilful disobedience of the order dated 04.3.2016 passed by this Court in CWP No.26185 of 2014 directing as under:

“ For the foregoing reasons, this writ petition is allowed. A writ of mandamus is issued to the Board to consider reinstating the petitioner in service keeping in view the observations made above. On reinstatement, the petitioner would be entitled to full salary and allowances from the date of acquittal in the criminal appeal or from the date the acquittal order was served on the Board by the petitioner and demand made as they were not expected to keep track of the trial. The right to reinstatement does not carry with it, by necessary implication, a right to back wages. In this

way, the petitioner is held disentitled to back-wages from the date of suspension till the date of conviction or knowledge of the order of acquittal in the Board. He would also not have the right to carry home the difference between subsistence allowance paid and full salary which may have been payable for the relevant period till dismissal on principles of no-work-no-pay which is for the reason that back wages are being denied for the loss which may be caused to the Board and still further in view of the law down in Baldev Singh v. Union of India, (2005) 8 SCC 747 that the principle applies to such cases. However, the amounts which stand paid to him by way of subsistence allowance are declared non-recoverable. Parties are left to bear their own costs.”

At the time of hearing, learned counsel appearing for the respondent points out that the order has since been complied with thereby rendering the present petition as infructuous.

Dismissed as having been rendered infructuous.

March 08, 2017
manoj

(JASWANT SINGH)
JUDGE

<i>Whether speaking/reasoned</i>	<i>Yes/No</i>
<i>Whether Reportable</i>	<i>Yes/No</i>