

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

208

**CWP-20677-2012 (O&M)
Date of decision:17.04.2017**

Manoj Kumar

....Petitioner

Versus

State of Haryana and others

.... Respondents

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

Present: Mr.S.K.Redhu, Advocate for the petitioner.

Mr. Hitesh Pandit, AAG, Haryana.

P.B. Bajanthri, J. (Oral)

The petitioner has questioned various orders passed in the disciplinary proceedings like disciplinary, appellate and revisional authorities.

2. The petitioner was subjected to parallel proceedings on certain allegations leveled against the petitioner that he is involved in FIR No. 128 dated 29.03.2008 under Sections 153-A, 504, 506, 34 IPC, PS City Palwal. The disciplinary proceedings were concluded in imposing penalty of withholding of 5 future annual increments with permanent effect on 23.09.2008. Thereafter, he has exhausted the remedy of appeal as well as revision. Before recourse to revision by the petitioner, the petitioner was acquitted in the criminal case on 22.05.2010, Thus, the petitioner has raised

one of the contention before the revisional authority that he has been acquitted. Therefore, the same is required to be examined by the revisional authority. It was contended that revisional authority has not appreciated each of the contentions raised by the petitioner in his revision petition dated 19.01.2011. Hence the revisional authority's order dated 29.06.2011 is liable to be set aside.

3. Per contra, learned counsel for the respondents resisted the claim of the petitioner contending that revisional authority has taken note of the acquittal of the petitioner and it is not that revisional authority has ignored the contentions of the petitioner in the revision petition. Therefore, the petitioner has not made out a case so as to interfere with Annexure P8 dated 29.06.2011 and other orders passed in the disciplinary proceedings.

4. Heard learned counsel for the parties.

5. Perusal of the revisional authority's order dated 29.06.2011 it is evident that there is no consideration of the petitioners contentions raised in the revision petition in particularly the petitioner has specifically pointed out that he has been acquitted in the criminal case on 22.05.2010. Even though the revisional authority has taken note of however, there is no discussion as to why the petitioner is not entitled for any benefit in view of his acquittal in the criminal proceedings. Thus, this is total non-application of mind while rejecting the revision petition. Hence order dated 29.06.2011 Annexure P8 is hereby set aside and the matter is remanded to revisional authority to re-decide the revision petition afresh within a period of 3 months from today after due consideration of each of the contentions raised

by the petitioner in his revision petition.

6. With the above observation, petition stands allowed.

17.04.2017

pooja saini

(P.B.BAJANTHRI)
JUDGE

Whether speaking/reasons

Yes/No

Whether Reportable:

Yes/No