

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CWP No.22377 of 2014
Date of Decision: 24.04.2017

Balwant Singh

...Petitioner

Versus

State of Punjab and others

...Respondents

CORAM: HON'BLE MR. JUSTICE JASWANT SINGH

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

Present: None for the petitioner.

Mr. Harkesh Manuja, Addl. A.G., Punjab
for the respondents.

....

JASWANT SINGH, J. (Oral)

The date of birth of the petitioner is 02.08.1953 and on selection, he was appointed as Multi-Purpose Health Worker (Male) on 11.06.1974 in the Department of Health and Family Welfare, Punjab. He was promoted as Block Extension Educator on 19.06.1991. He is alleged to have demanded a bribe of Rs.500/- from the complainant-Roop Lal for clearing the retiral benefits of the wife of complainant, namely, Balbir Kaur, who died on 15.12.1992 while working on the post of ANM in the Health Department. Resultantly, the Vigilance Department registered a case FIR No.33 dated 29.04.1994 under Sections 7 and 13(2) of the Prevention of

Corruption Act, 1988 at Police Station Kotwali, Kapurthala. The petitioner was initially placed under suspension, however, was reinstated and ultimately, dismissed from service vide order dated 15.10.2008 upon conviction and sentence vide judgement dated 06.08.1996 passed by the learned Special Judge, Kapurthala. The criminal appeal filed against the aforesaid judgement was allowed by this Hon'ble High Court vide judgement dated 23.11.2010 passed by learned single Judge, whereby the conviction and sentence of the petitioner was set aside and he was acquitted of the charges. The petitioner was, thus, entitled to reinstatement, however, before the order of reinstatement could be passed, he attained the age of superannuation w.e.f. 31.05.2011.

In view of the aforesaid facts, an order dated 20.03.2013 (Annexure P-3) came about to be passed, whereby not only the service period of the petitioner with effect from the date of termination i.e. 15.10.2008 till the date of his retirement i.e. 31.05.2011 was treated as duty period alongwith salary and other emoluments, the petitioner was also promoted to the post of Deputy Mass Media and Information Officer w.e.f. 17.11.2004 i.e. the date when his junior was promoted, till the date of his retirement i.e. 31.05.2011.

By filing the present petition, the petitioner was seeking a mandamus for implementation of the order Annexure P-3; a direction for grant of benefits of the recommendations of the 5th Pay Commission and consequent revised pay and arrears of other emoluments.

Upon notice, reply on behalf of the respondents has been filed, wherein it is stated that the petitioner has been extended the benefit of revised pay scale as per recommendations of the 5th Pay Commission and

the necessary bills, after approval, have been sent for payment. It is further stated that the benefits of revised leave encashment, gratuity and all the arrears for the service period w.e.f. 15.10.2008 to 31.05.2011 have also been released to the petitioner. It is, thus, submitted that whatever was due to the petitioner, has since been released to him.

At the time of hearing, it is noticed that since the last four dates of hearing, none has appeared on behalf of the petitioner and position is the same today also.

Learned counsel for the respondents submits that as necessary relief has been extended to the petitioner, therefore, the petitioner has lost interest in this case.

In view of the above, no further adjudication is required.

Dismissed as infructuous.

24.04.2017
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(Jaswant Singh)
Judge

Whether reasoned/speaking

Yes/No

Whether reportable

Yes/No