

HON'BLE SRI JUSTICE ABHINAND KUMAR SHAVILI

WRIT PETITION No. 4167 of 2004

ORDER:

This writ petition is filed challenging the orders dated 10.03.1997 passed by the Appellate authority wherein the Appellate authority had modified the orders of removal to that of re-engaging the petitioner as casual driver-Grade II without any back wages and that the period from the date of his removal from service till re-engagement be treated as 'Not on duty'.

Learned counsel for the petitioner contends that the petitioner was removed from service as he was involved in a criminal case, but later he was acquitted by the Criminal Court. Thereafter, the Appellate authority took a lenient view and modified the punishment of removal to that of re-engaging him into service. He further contends that the Appellate authority ought to have granted back wages and also ought to have treated the period from the date of his removal from service till re-engagement as 'on duty' and also would have directed the respondent to pay the back wages.

Learned counsel for the respondent contends that the Appellate authority took a lenient view and modified the punishment of removal to that of re-engaging the petitioner service. Therefore, no further lenient view can be shown in the case of the petitioner.

This Court, having considered the submissions made by both the parties, is of the considered view that the Appellate authority has rightly passed orders modifying the punishment of removal from service to that of re-engagement. Therefore, no further relief can be granted to the petitioner.

Accordingly, writ petition is dismissed. There shall be no order as to costs.

Consequently, miscellaneous petitions, if any, pending in the writ petition shall stand closed.

ABHINAND KUMAR SHAVILI, J

26th November, 2018
dv

