

HONOURABLE SRI JUSTICE ABHINAND KUMAR SHAVILI

WRIT PETITION No.5556 OF 2009

ORDER:

1. This writ petition is filed by the petitioner challenging the order of dismissal on the ground that he had involved in criminal case.
2. Heard Sri P.S.P. Suresh Kumar, learned Counsel for the petitioner and the learned Standing Counsel for the Central Government.
3. It has been submitted by the learned Counsel for the petitioner that the Criminal Case filed against the petitioner ended in acquittal and that the respondents should not have imposed punishment of dismissal, and challenging the action of the respondents in dismissing the petitioner from service, the present writ petition is filed.
4. Further, it has been submitted by the learned Counsel for the petitioner that this Court was pleased to grant interim suspension of the orders impugned, and in pursuance of the interlocutory order passed by this Court, the petitioner was reinstated into service, however, while reinstating the petitioner, the respondents have treated the petitioner as fresh appointee without extending any benefits of continuity of service and pay scales.
5. The learned Standing Counsel for the Central Government contended that since the petitioner challenged the

order of dismissal and he was reinstated into service, the cause in this writ petition does not survive. He further contended that if the petitioner has any grievance, he is at liberty to submit a representation to the respondents and on such representation being made, the respondents shall consider the same and pass appropriate orders.

6. This Court having considered the submissions made by the parties is of the view that this writ petition can be disposed of directing the petitioner to submit a representation to the respondents staking his claim. On such representation being received, the respondents shall consider the same and pass appropriate orders.

7. Accordingly, the Writ Petition is disposed of directing the petitioner to submit a representation to the respondents within a period of one week from the date of receipt of a copy of this order, staking his claim for continuity of service, seniority and other benefits. On such representation being received, the respondents shall consider the same and pass appropriate orders within a period of four weeks thereafter. No costs. Consequently, miscellaneous petitions pending, if any, shall stand closed.

JUSTICE ABHINAND KUMAR SHAVILI

Dated: 30.10.2018.
Nn.

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