

HON'BLE SRI JUSTICE ABHINAND KUMAR SHAVILI

WRIT PETITION No.30751 of 2010

ORDER :

When the writ petition is taken up for hearing, it is submitted by the learned counsel for petitioner that the deceased-petitioner, who was an employee of respondents, was appointed as a Driver and while he was discharging his duties, the disciplinary authority had imposed the punishment of removal vide orders dated 03.07.2009. Thereafter, the deceased-petitioner had preferred appeal and review, but was unsuccessful. Challenging the orders of removal, the present writ petition is filed.

It is further contended by the counsel for petitioner that during the pendency of this writ petition, petitioner had expired and accordingly, the legal representatives of deceased-petitioner have been brought on record. It is contended that for the same set of allegations, a criminal case was registered against the deceased-petitioner and the Criminal Court was pleased to acquit him of the allegation of theft, vide orders dated 19.02.2013 in C.C.No.22 of 2008. Therefore, it is contended that the orders of removal be set aside as the deceased-petitioner was acquitted in the criminal case and all the service benefits of the deceased-petitioner be paid to his legal representatives.

The learned Standing Counsel appearing for respondents has contended that the respondents have removed the

deceased-petitioner by conducting an independent departmental inquiry and it was not based on the criminal charge. There are no merits in the writ petition and the same is liable to be dismissed.

This court, having considered the rival submissions of the parties, is of the considered view that the deceased-petitioner is entitled for service benefits for the service rendered by him prior to his removal, and to that effect, the legal representatives of the deceased-petitioner be directed to submit a representation to the respondents within two weeks from the date of receipt of a copy of this order, and upon receiving such representation, the respondents shall consider the same and pass appropriate orders in respect of payment of service benefits for the service rendered by the deceased-petitioner prior to removal, within four weeks thereafter, if not already paid.

Subject to the above directions, the writ petition is disposed of. No order as to costs.

Pending miscellaneous applications, if any, shall stand closed.

ABHINAND KUMAR SHAVILI, J

19th November, 2018

ajr