

HON'BLE SRI JUSTICE ABHINAND KUMAR SHAVILI

WRIT PETITION No.17133 OF 2003

ORDER :

This Writ Petition is filed challenging the action of the respondents in not extending leave, wages and increments during out of employment period from the date of dismissal to that of reinstatement.

The learned Counsel for the petitioner submits that the petitioner was dismissed from service consequent upon his conviction in the criminal case and when the Criminal Appeal, preferred by the petitioner, was allowed and acquittal was granted in Criminal Appeal No.140 of 2002, dated 21.1.2003, the revisional authority was pleased to consider his case for reinstatement by modifying the punishment of dismissal. But, however, while granting relief the Court has held that out of employment period from the date of dismissal till reinstatement has to be treated as 'not on duty' for the purpose leave, wages and increments. Challenging the same, the present Writ Petition is filed.

The learned Counsel for the petitioner submits that appropriate orders be passed directing the respondents to release leave, wages and increments for out of employment and contends that the Writ Petition be allowed.

The learned Standing Counsel for the respondents contends that the review authorities have taken a view and modified the punishment of dismissal to that of reinstatement. However, the period from the date of dismissal till reinstatement was treated as 'not on duty' only for the purpose of leave, wages and increments and no further interference is called for as the review authority has already taken a lenient view.

This Court, having considered the rival submissions of the parties, is of the considered view that the reviewing authority has rightly passed orders denying leave, wages and increments for out of employment period. There are no merits in the Writ Petition and the same is dismissed accordingly. .

Miscellaneous Petitions pending, if any, shall stand closed.

ABHINAND KUMAR SHAVILI, J

17th December, 2018

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