

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CWP-18901-2013 (O&M)
Date of decision : 29.08.2018

Brij Lal

...Petitioner(s)

Versus

Punjab State Warehousing Corporation and another

...Respondent(s)

CORAM: HON'BLE MR. JUSTICE JITENDRA CHAUHAN

Present: Ms. Isha Goyal, Advocate,
for Mr. Sumer Brar, Advocate,
for the petitioners.

Mr. K.B. Raheja, Advocate,
for the respondents.

JITENDRA CHAUHAN, J. (Oral)

Prayer in the instant petition filed under Articles 226/227 of the Constitution of India is for setting aside office order dated 26/29.4.2013 (Annexure P-7), whereby, representation dated 07.09.2011, filed by the petitioner seeking his reinstatement in service as Junior Assistant along with all back wages, emoluments, dues, etc., consequent upon his acquittal in a criminal case, has been rejected.

At the very outset, learned counsel for the respondents refers to order dated 16.01.2014 (Annexure RW1/3) and submits that the grouse of the petitioner already stands redressed as the petitioner has been reinstated in service from the date of dismissal i.e. 30.04.2008 with back wages from the date of acquittal. He cites *UoI and others Vs. Jaipal Singh, 2004 AIR SC 1005*, to contend that the employer cannot be blamed and made liable for

the personal conduct of the employee.

Learned counsel for the petitioner, at this stage, submits that the back wages ought to have been granted to the petitioner from the date of dismissal from service and not from the date of acquittal in the criminal case. In support of her assertion, learned counsel for the petitioner has placed reliance on *Jaipur Vidyut Vitran Nigam Ltd. Vs. Nathu Ram, 2010(1) SCC 428; Jaswinder Kaur Vs. Punjab State Power Corporation Ltd. and others, CWP-26076-2013, decided on 24.07.2015; Shashi Kumar Vs. UHBVN and another, 2005(1) SCT 576.*

Heard.

In view of the fact that the relief claimed by the petitioner in the instant petition for reinstatement in service has already been allowed to him, the instant petition has been rendered infructuous and is dismissed as such.

However, the petitioner shall be at liberty to lay challenge to order dated 16.01.2014 (Annexure RW1/3) before the competent authority, which shall decide the claim by passing a speaking order as per law within a period of six weeks from the date of moving of such representation/application.

29.08.2018
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(JITENDRA CHAUHAN)
JUDGE

Whether speaking / reasoned : Yes No

Whether Reportable : Yes No