

**IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH.**

CWP No.29978 of 2017

Date of Decision:-15.03.2018

Kuldeep Singh.

.....Petitioner.

Versus

Punjab Agro Industries Corporation Ltd. Chandigarh & Anr.

.....Respondents.

CORAM:- HON'BLE MR. JUSTICE JASWANT SINGH

Present:- Ms. Bandana Dogra, Advocate for the Petitioner.

JASWANT SINGH, J.(ORAL)

Petitioner was employed as a Peon with Punjab Agro Industries Corporation on 29.10.1985. An FIR No.34 dated 2.3.2007 under Section 409 IPC was registered against him at Police Station Nawanshahar on the allegations of misappropriation of 1873 bags of Wheat while working as Plinth Incharge at the PAFC, Nawanshahar for the crop year 2005-2006 equivalent to the value of Rs.9,03,678/-. For the alleged maleficence the employer had placed him under suspension on 19.06.2006 and also issued a chargesheet dated 03.09.2007 for imposition of major penalty. The disciplinary proceedings concluded vide order dated 6.7.2010 (P-4) whereby the punishment of stoppage of four increments with future effect was imposed. The petitioner on conclusion of the criminal trial in the aforesaid FIR was convicted and sentenced for a period of 2 years vide

Based on the aforesaid conviction, order of dismissal was passed on 22.08.2014 and on acceptance of criminal appeal against the order of conviction vide judgment dated 17.12.2015 passed by the learned Additional District Judge, Shaheed Bhagat Singh Nagar set aside the conviction and sentence, the petitioner was reinstated vide order dated 17.02.2016. Respondents have treated his period of dismissal w.e.f. 22.08.2014 till his reinstatement on 17.02.2016 partly as equal to the available earned leave and the remaining as leave with half pay and without pay vide order dated 17.08.2017 (P-10). Another order has been passed dated 16.05.2017 (P-11) whereby it has been ordered that his previous suspension period from 10.08.2006 to 22.08.2010 will not be treated as period spent on duty and not entitled to any other pay and allowance except the already paid subsistence allowance.

At this stage, Counsel for the petitioner prays for permission to withdraw the present writ petition.

Dismissed as withdrawn.

(JASWANT SINGH)
JUDGE

March 15, 2018
Vinay

Whether speaking/reasoned	Yes/No
Whether Reportable	Yes/No