

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

CWP No.10753 of 2016(O&M)

Date of Decision:-20.11.2019

Sh. P.D. Arora.

.....Petitioner.

Versus

Union of India & Ors.

.....Respondents.

**CORAM:- HON'BLE MR. JUSTICE JASWANT SINGH
HON'BLE MR. JUSTICE LALIT BATRA**

Present:- Mr. Arun Gupta, Advocate for the Petitioner.

Mr. Namit Kumar, Advocate for respondent nos.1 to 3.

JASWANT SINGH, J.(ORAL)

Petitioner- PD Arora had filed the instant writ petition, seeking quashing of impugned order dated 13.5.2014 (P-9) passed by Central Administrative Tribunal, Chandigarh (CAT for short), whereby order of termination of services of petitioner passed by Director Postal Services dated 30.10.2009 (P-2), duly affirmed vide orders dated 22.06.2011 (P-4) and 19.11.2012 (P-7) passed by appellate and revisional authorities respectively, have been up-held.

At the time of hearing on 11.05.2018, a co-ordinate bench of this Court had passed the following order:

“ While issuing notice of motion in this case, the following observations were made by this Court on May 22, 2016:

“ The issue that requires determination is whether the punishment of dismissal from service imposed upon the petitioner is disproportionate to the nature of charges established against him? The petitioner served the department for about 40 years and even as per the findings of the Disciplinary Authority, no specific allegation of misappropriation or embezzlement and/or any other charges involving moral turpitude, has been established. What has been held against the petitioner is that he was negligent and there was laxity on his part in performance of his duties.”

[2] Learned counsel for the parties have been heard for some time. It is not disputed that the charge with regard to embezzlement of Rs.42,275/- was not proved against the petitioner by the Enquiry Officer though other charges were proved. No allegation of misappropriation has also been proved. In this view of the matter and keeping in view about 40 years of service rendered by the petitioner, it appears to be a fit case where the Disciplinary Authority should re-consider the quantum of punishment and see whether or not it will be adequate to impose the punishment of compulsory retirement on the petitioner from the date he was dismissed from service?

[3] Let a reasoned order to this effect be passed and placed on record on the date fixed.

[4] List on 30.08.2018. ”

Thereafter, the matter was adjourned on numerous dates and today, counsel for respondents has produced an order dated 30.01.2019

passed by Director Postal Services (HQ), O/o Chief Postmaster General

Haryana Circle, Ambala, whose copy has already been supplied to petitioner and his counsel. Copy of order is taken on record as Mark 'A' and registry is directed to place the said order at appropriate place and paginate the same.

A perusal of the order dated 30.01.2019 would show that respondents have re-considered the case of petitioner and have modified the order of termination of his service to Compulsory retirement from the date of dismissal of service with thirty percent reduction in pension and gratuity admissible to him. Operative **para no 10** of the order dated 30.10.2019 is reproduced as under:

“ Keeping in view the facts discussed above, all the charges levelled against the charged official (now called petitioner) are proved beyond doubt and for that he deserves stern action proportionate to the gravity of the charges. But in the light of the observations of Hon'ble Court and keeping in view his 40 years long service in the Department I, Nirmal Singh, Director Postal Services (HQ) Ambala in exercise of powers vested vide Rule 12 of CCS (CCA) Rules, 1965 read with Rule 40 of CS (Pension) Rules 1972, hereby order that Sh. P.D. Arora the then P.A. Gurgaon H.O. be awarded punishment of Compulsory retirement from service, from the date of dismissal from service with thirty percent reduction in pension and gratuity admissible to the said Sh. P.D. Arora. ”

In view of the order passed by respondents, counsel for petitioner, on instructions from his client, does not wish to pursue with the instant writ petition, as he is satisfied with the relief granted to him by

respondents vide order dated 31.01.2019.

In view of the subsequent developments and stand taken by petitioner, this writ petition is hereby order to be dismissed, as having been rendered as infructuous.

(JASWANT SINGH)
JUDGE

(LALIT BATRA)
JUDGE

November 20, 2019
Vinay

<i>Whether speaking/reasoned</i>	<i>Yes/No</i>
<i>Whether Reportable</i>	<i>Yes/No</i>