

Sr. No. 221

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

**CWP No.18151 of 2013 (O&M)
Date of Decision: 13.03.2019**

Vijay Kumar

... Petitioner

Versus

Punjab State Civil Supplies Corporation Limited and another

... Respondents

CORAM:- HON'BLE MR. JUSTICE ARUN MONGA

Present:- Mr. Rohit Joshi, Advocate,
for the petitioner.

Mr. Ramandeep Singh, Advocate,
for respondents No.1 and 2.

ARUN MONGA, J.(ORAL)

Present writ petition has been filed, *inter alia*, for issuance of a writ in the nature of certiorari to quash the impugned order dated 25.07.2011 (Annexure P-3), passed by Disciplinary Authority whereby, the petitioner was dismissed from the post of 'Public Distribution Clerk' (P.D.C.).

2. The sole ground of his dismissal was that he had convicted under Section 408 IPC vide order/judgment dated 12.05.2011, passed by the Court of Judicial Magistrate Ist Class (JMIC), Zira.

3. The succinct factual matrix is that the petitioner after having been convicted by the Court of JMIC, filed an appeal before the learned Additional Sessions Judge, Ferozepur and vide order/judgment dated 08.09.2012 (Annexure P-5), his appeal was

allowed and conviction order passed by the JMIC was set aside.

4. Pursuant thereto, the petitioner submitted a representation dated 09.09.2011 (Annexure P-4) and having waited for a decision on the same, submitted follow up representations Annexures P-6 and P-7 respectively, but to no avail. Hence the present writ petition.

5. In the reply filed by the respondents, the above factual position is not controverted. The only ground taken is that against the order passed by the learned Sessions Judge, a criminal revision No.234 of 2014 has been filed before this Court and the same was subjudice.

6. I have gone through the rival pleadings and have heard the contentions of learned counsels for respective parties. I am of the opinion that the impugned order dated 25.07.2011 (Annexure P-3), passed by Disciplinary Authority does not stand the judicial scrutiny and is not tenable. The sole ground of sustaining the impugned order passed by the respondents is that a criminal revision is pending in this Court.

7. Learned counsel for the petitioner points out that the said criminal revision filed by the respondents has been dismissed vide order/judgment dated 22.11.2017. Resultantly, the sole ground, based whereupon, the impugned order was passed does not survive.

8. I am in agreement with the contentions of the learned counsel for the petitioner. In view thereof, the present writ petition is allowed. Impugned order dated 25.07.2011 (Annexure P-3) is set

aside. Respondents are directed to reinstate the petitioner with all consequential benefits @ 6% interest per annum.

- 9. Let the needful be done within a period of 3 months from the date of receipt of a certified copy of this order.
- 10. Petition is allowed in the aforesaid terms.

13.03.2019

vandana

(ARUN MONGA)

JUDGE

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