

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

**CWP 22765/2017 (O&M)
Date of decision:23.01.2020**

Jit Ram

.....Petitioner

v.

Union of India and others

.....Respondents

**Coram: Hon'ble Mr.Justice Jaswant Singh
 Hon'ble Mr.Justice Sant Parkash**

Present:- Mr. J.R.Syal,Advocate for the petitioner.

Mr.Brijesh Mittal,Advocate for respondents 1 to 4.

Jaswant Singh,J(Oral).

Petitioner while working as Section Officer (Adhoc) in the office of Accountant General (A&E) vide order dated 5.5.2005 was dismissed from service for issuing wrong PPO and for misplacement of file. Further, recovery of Rs.32,036/- being 30% share of total amount of Rs.1,06,788/- unauthorisedly paid as family pension to a fake family pensioner, was also ordered. The appeal filed against the punishment order was partly allowed vide order dated 6.12.2006, moderating the penalty of dismissal to that of compulsory retirement alongwith recovery of Rs.32,036/-. The appellate order dated 6.12.2006 was challenged before the Central Administrative Tribunal (for short Tribunal). The learned Tribunal vide order dated 26.2.2008 quashed the order of appellate authority on the quantum of punishment of compulsory retirement and recovery of amount. The appellate authority was directed to reconsider the case of the petitioner on the quantum of punishment. Respondents filed CWP 9735/2008 before this Court which was dismissed vide order dated

1.7.2014.

In contempt proceedings, amount recovered from the

petitioner was refunded to him. Thereafter, the Appellate Authority in pursuance of order dated 26.2.2008 passed by the Tribunal, passed order dated 24.10.2014 retaining the penalty of compulsory retirement alongwith recovery. Aggrieved against the same, petitioner filed O.A.No.060/2015 before the Tribunal. The learned Tribunal vide impugned order dated 11.5.2016, quashed the appellate order dated 24.10.2014 by reducing the penalty of compulsory retirement to that of stoppage of three annual increments without cumulative effect. Further the petitioner was held entitled to all service benefits for the intervening period i.e. from 5.5.2005 till his reinstatement except any back wages for the said period. Further he was held entitled to retain the pension paid to him for the said period. In the present petition the prayer of the petitioner is to quash the punishment of stoppage of three annual increments without cumulative effect and grant of service benefits from 5.5.2005 till his reinstatement with back wages.

Notice of motion was issued and reply stands filed.

At the time of hearing,learned counsel for the petitioner prays for permission to withdraw the petition.

Dismissed as withdrawn.

(Jaswant Singh)
Judge

23.01.2020.
joshi

(Sant Parkash)
Judge

Whether Speaking/reasoned	Yes/No
Whether Reportable	Yes/No