

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

CWP-37263-2019

Date of decision: 7.2.2020

Satinder Kumar

.....Petitioner.

vs.

Food Corporation of India and others

.....Respondents.

CORAM:- HON'BLE MR. JUSTICE SANJAY KUMAR

Present:- Mr. K.D. Sachdeva, Advocate for the petitioner.

Mr. Sumeet Goel, Advocate and
Mr. A.K. Ranolia, Advocate for the respondents.

.....

Sanjay Kumar, J.(ORAL)

The matter is amenable to disposal at the admission stage as the appeal filed by the petitioner against his dismissal from the service of the Food Corporation of India (in short, 'the Corporation') is still pending consideration before the appellate authority, viz., the Executive Director (North) of the Corporation.

The petitioner's case is that he was acquitted in the criminal case which arose out of the very same factual matrix which formed the basis for the disciplinary proceedings which culminated in his dismissal from service, vide order dated 30.8.2019 passed by the Divisional Manager of the Corporation at its regional office in Chandigarh. The judgment of acquittal dated 8.6.2018 (Annexure P-2) passed by the learned Judicial Magistrate Ist Class, Sunam, arising out of the criminal case, i.e., Challan No. 752 of 26.8.2015 in FIR No.105 dated 2.6.2015 on the file of PS City Sunam, is placed on record. However, as the appellate

authority is presently seized of the matter and it is for the said authority to consider the consequences of the afore-stated acquittal judgment dated 8.6.2018, this Court does not deem it appropriate to entertain this writ petition and adjudicate it on merits.

The writ petition is accordingly disposed of directing the appellate authority, viz., the Executive Director (North), Food Corporation of India, NOIDA, Uttar Pradesh, to consider the petitioner's appeal dated 19.9.2019 (Annexure P-8) on its own merits and in accordance with law, duly taking into account the fact that he stood acquitted in the afore-stated criminal case, vide judgment dated 8.6.2018, and take an appropriate decision in the matter.

This exercise shall be completed expeditiously and in any event, not later than eight weeks from the date of receipt of a certified copy of this order.

No order as to costs.

(SANJAY KUMAR)
JUDGE

7.2.2020

preeti

whether speaking/non speaking

yes/no

whether reportable/non reportable

yes/no