

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

CM-6361-CWP-2022
in/and
CWP-1153-2022 (O&M)
Date of decision: 05.05.2022

Raman Kumar

....Petitioner

Versus

State of Punjab and others

..Respondents

CORAM: HON'BLE MR. JUSTICE ANIL KSHETARPAL

Present: Ms. Himani Kapila, Advocate for the petitioner

ANIL KSHETARPAL, J (Oral)

CM-6361-CWP-2022

For the reasons stated in the application, order dated 08.02.2022 is hereby recalled and the writ petition is restored to its original number.

CM stands allowed.

Main case

The writ petition is taken on Board for final disposal.

The disciplinary authority, after noticing that the petitioner was involved in an FIR No. 168, dated 23.09.2011, registered under Section 302, 34 IPC at Police Station, Gurdaspur, in which he was subsequently acquitted, has directed reinstatement of the petitioner in service while directing his absence period of 606 days to be treated as leave of the kind due. The appeal as well as revision petition filed by the petitioner have already been dismissed.

Learned counsel representing the petitioner contends that
once the petitioner has been reinstated in service then his absence period

cannot be treated as leave of the kind due.

Admittedly, the petitioner did not discharge his official duties for a period of 606 days. The employer never stopped the petitioner from joining the duties. Merely because the petitioner has been acquitted in a criminal case should not burden the employer with the salary for the period of his absence.

In the present case, the authorities have already taken a reasonable view. Hence, no ground to issue a writ, as prayed for, is made out.

Dismissed.

All the pending miscellaneous applications, if any, are also disposed of.

05.05.2022

rekha

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No

**(ANIL KSHETARPAL)
JUDGE**