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

**CWP-27255-2015
Date of decision: 08.12.2022**

ANIL SALARI

...Petitioner

VERSUS

**PUNJAB STATE COOPERATIVE MILK PRODUCERS FEDERATION
LTD., CHANDIGARH**

...Respondent

CORAM: HON'BLE MS. JUSTICE JAISHREE THAKUR

Present:- Mr. R. K. Arora, Advocate and
Ms. Saguna Arora, Advocate
for the petitioner.

Mr. B. S. Patwalia, Advocate
for the respondent.

JAISHREE THAKUR, J. (Oral)

This is a petition that has been filed under Articles 226/227 of the Constitution of India seeking issuance of a writ in the nature of certiorari for quashing order dated 24.11.2015 (Annexure P-5), whereby the petitioner herein has been reverted from the post of Manager (Production) to the post of Deputy Manager (Production).

Learned counsel for the petitioner herein would contend that the petitioner had joined service in the respondent-MILKFED as Dairy Assistant in September, 1983 and was subsequently promoted on various posts. On 24.11.2015, while working as Manager (Production), he was served with impugned order, whereby he was reverted to the post of Deputy Manager

(Production) with immediate effect on account of an FIR registered against him by the Vigilance Department on account of taking bribe of Rs.5,000/- from Labour Contractor. He would submit that the impugned order is punitive in nature and issued without any show cause notice and giving the petitioner opportunity to defend himself. Even the proceedings under the FIR culminated in favour of the petitioner and he was acquitted by the trial Court giving him benefit of doubt.

Learned counsel for the petitioner would further submit that during the pendency of this writ petition, counsel for the respondent was directed to complete instructions and file an affidavit with regard to the effect of judgment of acquittal dated 31.10.2017 (Annexure P-7) considering that no deparatmental proceedings had been initiated against the petitioner on account of the FIR having been registered against him. It is argued that the said affidavit dated 05.09.2022 has been filed and on the basis of said affidavit, the writ petition deserved to be allowed.

Learned counsel for the respondent-MILKFED would rely on the affidavit dated 05.09.2022 filed by the Managing Director, MILKFED, wherein in para No.7, it is stated that a decision has been taken to withdraw the impugned order dated 24.11.2015 by taking into account the facts that the petitioner has been acquitted of all the charges framed against him by the Vigilance Department and the Government itself has decided that the case is not appealable.

I have heard learned counsel for the parties and have also perused the pleadings of the case, especially the affidavit that has been filed by the respondent-MILKFED dated 05.09.2022.

The petitioner herein had impugned the order dated 24.11.2015 (Annexure P-5), whereby he had been reverted only on account of proceedings initiated by the Vigilance Department, which proceedings have culminated in an acquittal. The State itself has decided not to file an appeal against order of acquittal and the Managing Director in its reply has stated that a decision has been taken to withdraw the said impugned order.

Consequently, taking into account the aforesaid affidavit, as filed by the respondent-MILKFED, the instant writ petition is disposed of and the impugned order dated 24.11.2015 (Annexure P-5), is hereby set aside. The petitioner, who has since retired would be entitled to all consequential benefits that would ensue. Let the entire exercise be completed, within a period of four months from the date of receipt of the certified copy of this order.

08.12.2022
Chetan Thakur

(JAISHREE THAKUR)
JUDGE

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No