

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CWP-3623-2024 (O&M)
Date of decision: 14.03.2024

Tarsem Lal
.....Petitioner
Versus
Punjab State Power Corporation Ltd. and Others
.....Respondents

CORAM: HON'BLE MR. JUSTICE NAMIT KUMAR

Present: Mr. L.M. Gulati, Advocate
for the petitioner.

NAMIT KUMAR J. (Oral)

1. Prayer in this writ petition filed by the petitioner under Articles 226/227 of the Constitution of India, is for issuance of a writ in the nature of certiorari, for quashing the order dated the 22.08.2014 (Annexure P-2) passed by respondent No.5, vide which the petitioner has been terminated from service in view of the conviction of petitioner under Sections 307/326/149/323/427/506 IPC vide judgment of conviction and order of sentence dated 11.06.2014, passed by learned Additional Sessions Judge, Fast Track Court, Bathinda. Further a writ of mandamus has been sought for directing the respondents to treat the termination period of service i.e. 22.08.2014 to 30.06.2015, as continuity of service of the petitioner, as the petitioner has already been acquitted by this Court vide judgment dated 31.03.2016. Further to issue a writ in the nature of mandamus directing the respondents to release all his retiral benefit i.e. Leave encashment, ACP Scale Benefit of the petitioner and also the pay of the termination period, after calculating

the termination period of the petitioner as regular service/continuity of service with all consequential benefits including grant of all pay and allowances from the date of his dismissal to date of his retirement i.e. 22.08.2014 to 30.06.2015, and by treating the intervening period (from date of dismissal to date of retirement) as period spent on duty, as the petitioner was dismissed from service vide order dated 22.08.2014 (Annexure P-2) only on account of conviction order dated 11.06.2014 passed by learned Additional Sessions Judge (Fast Track Court), Bathinda and the said conviction has been set-aside by this Court and the petitioner has been acquitted of all the charges leveled against him.

2. Learned counsel for the petitioner submits that the claim of the petitioner in the present petition is that he was dismissed from service on account of conviction and later on, he has been acquitted in the said criminal case. During the interregnum, the petitioner has already attained the age of superannuation on 30.06.2015 and claiming the notional benefits. Learned counsel for the petitioner confines his prayer for deciding the representation dated 20.04.2018 (Annexure P-6) filed by the petitioner. He submits that the petitioner would be satisfied, if the said representation is decided by passing a speaking order within a time bound frame.

3. Notice of motion.

4. Mr. R.S. Kalra, Advocate who is present in the Court accepts notice on behalf of the respondents – PSPCL and raised no objection to the innocuous prayer made by learned counsel for the petitioner.

5. I have heard learned counsel for the parties and have gone through the record of the case.
6. Without expressing any opinion on the merits of the case or the claim being made by the petitioner in the present petition, respondent No.2, is directed to consider and decide the claim made in the representation dated 20.04.2018 (Annexure P-6), in accordance with law, by passing a speaking order within a period of 03 months from the date of receipt of certified copy of this order. In case, the petitioner is found entitled, his claim be released within a period of 04 weeks thereafter. In case, the respondents are of the opinion that the claim of the petitioner merits rejection the same be adjudicated upon by passing a speaking order after giving an opportunity of personal hearing to the petitioner within the time as stipulated hereinabove.
7. The petition stands disposed of.

(NAMIT KUMAR)
JUDGE

14.03.2024
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Whether speaking/reasoned:	Yes/No
Whether reportable:	Yes/No