

(2002) 04 UK CK 0016

In the Uttarakhand High Court

Case No : C.M.W.P. No. 845 (S/S) of 2001

State, of Uttaranchal and Ano.

APPELLANT

Vs

State Public Service Tribunal

RESPONDENT

Date of Decision : 15-04-2002

Acts Referred:

Citation : (2002) 2 UC 483

Hon'ble Judges : Ashok A. Desai, C.J;Irshad Hussain, J

Bench : Division Bench

Advocate : B.D. Upadhaya, for the Respondent

Judgement

A.A. Desai, C.J. and Irshad Hussain, J.—The Respondent No. 2 was employed as Constable in the Police Department. He was dismissed by way disciplinary action since he was unauthorisedly absent from duty in 1992. He challenged his dismissal before the Service Tribunal. The Tribunal set aside his dismissal and directed the Petitioner to reinstate the Respondent employee. However, liberty was granted to the department to pass fresh orders in accordance with law. Against this order State has filed the instant writ petition.

2. We heard Learned Counsel for the parties.

3. Having regard to the nature of misconduct we feel that to meet ends of justice, it would be expedient to reinstate the Respondent employee without back wages for the period from the date of his dismissal till his actual reinstatement.

4. According to us, the denial of back wages for the said period would be a just punishment having regard to the nature of misconduct. We therefore, direct the Petitioner-State to reinstate the Respondent employee within a period of four weeks from today. With this, the petition is disposed of.