

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

CWP-11146-2013 (O&M)
Date of decision : 17.07.2015

Santosh Kumari

...Petitioner

Versus

State of Haryana and others

...Respondents

CORAM: HON'BLE MR. JUSTICE JITENDRA CHAUHAN

Present: Mr. Umesh Narang, Advocate,
for the petitioner.

Mr. Saurabh Mohunta, DAG, Haryana.

JITENDRA CHAUHAN, J.

1. By way of the present writ petition filed under Articles 226/227 of the Constitution of India, the petitioner has sought quashing of impugned order dated 11.04.2013 (Annexure P-9), whereby, a penalty of cut in pension to the tune of 2% for the whole life has been inflicted upon the petitioner.

2. The learned counsel for the petitioner contends that despite the fact that the Inquiry Officer himself recorded that though the charges are proved against the petitioner in the strict technical sense, but there was no proof of *mala fide* intention, a harsh punishment has been imposed upon the petitioner. The quantum of punishment is

disproportionate to the charges proved against the petitioner.

3. On the other hand, the learned State counsel submits that the petitioner was charge-sheeted. An inquiry was conducted wherein, the petitioner also participated. The Inquiry Officer came to the conclusion that the allegations levelled against the petitioner stand proved. Thereafter, the report of the enquiry officer was sent to the delinquent officer for reply. The petitioner submitted the reply which was duly considered and only thereafter, the punishment of 2% cut in pension was imposed.

4. I have heard learned counsel for the parties and gone through the case file.

5. In this case, one inquiry was constituted against Smt. Usha Matta, Principal, whereby, it was found that she had got herself selected as such on the basis of forged and fabricated experience certificates. Thereafter, the petitioner was directed to lodge an FIR against her. Consequently, FIR under Sections 420, 467, 468, 471 and 120-B IPC came to be registered at Police Station, Civil Lines, Hisar. However, in compliance of the Court notice, the petitioner appeared and made statement (Annexure P-4), that she had no objection if the cancellation report submitted by the Police was accepted. On the basis of the statement made by the petitioner before the trial Court, the FIR was cancelled. The allegation against the petitioner is that she did not obtain any advice or guidance from the authorities before making such

a statement. Whereas, the stand of the petitioner is that she had sent a letter through fax on 09.05.2008 seeking such an advice. It is also averred that the Deputy District Attorney of Police Department had given a verbal advice regarding cancellation of the FIR. However, there is nothing on record to substantiate these assertions of the petitioner.

6. The petitioner, vide letter No.5/76-2005 HRG (1) dated 14.02.2006, was directed to lodge an FIR against Smt. Usha Matta, for submitting forged and fabricated experience certificate to secure the job of Principal. In compliance of the directions, FIR under Sections 420, 467, 468, 471 and 120-B IPC was got registered by her at Police Station, Civil Lines, Hisar. However, this FIR was subsequently cancelled by the Court of learned ACJM, Hisar by accepting the cancellation report on the basis of the statement made by the petitioner before the Court to the effect that she had no objection if the cancellation report presented by the police was accepted. This statement was made by the petitioner without instruction or approval from the competent authority. The punishing authority, after taking into consideration all aspects of the matter, has found that the charges of giving statement in the Court about cancellation of FIR, without the appeal of the competent authority, stood proved against the petitioner and accordingly, the punishment of 2% cut in pension for the whole life has been inflected upon her.

7. Keeping in view the gravity of the charges proved against the petitioner, this Court does not find any illegality or perversity in the impugned order. Consequently, the present petition fails and is hereby dismissed.

17.07.2015
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(JITENDRA CHAUHAN)
JUDGE