

IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH

CWP No.14261 of 2013

Date of decision: 27.08.2015

Jarnail Singh

... Petitioner

Versus

Shiromani Gurdwara Parbandhak Committee

... Respondent

CORAM: HON'BLE MR. JUSTICE AMOL RATTAN SINGH

Present: Ms. Vanita Sapra Kataria, Advocate,
for the petitioner.

Mr.Sukhbir Singh Mattewal, Advocate,
for the respondent.

AMOL RATTAN SINGH, J.

The petitioner, who was working as a Sewadar/Langri in a Gurdwara under the management of the respondent- Shiromani Gurdwara Parbandhak Committee, has been dismissed from service, allegedly, upon, having found to have consumed liquor on the Gurdwara premises. The said order was passed after a charge sheet was issued to him, to which he is stated to have replied and thereafter, the matter enquired into by a sub-committee constituted for the purpose.

2. Witnesses having been examined, none of them stated to have actually seen the petitioner consuming liquor but, a member of the SGPC, upon having received information to that effect (of the petitioner consuming liquor), is stated to have reached the Gurdwara when the petitioner was taking Lunger (dinner) at 9:30 PM. The petitioner is stated to have allegedly

left the premises, after which two empty bottles of liquor and one half-full bottle are stated to have been recovered from the “Jali”, i.e. the place where food items etc. are stored, to which the witnesses testified.

3. Other than that, the petitioner is stated to have admitted his fault and signed on a paper, to that effect, seeking forgivingness.

However, he was dismissed from service and as such, has filed the present petition.

4. Ms. Vanita Sapra Kataria, learned counsel appearing for the petitioner, submitted that the petitioner has actually been implicated due to factionalism and as a matter of fact, he was told to sign blank papers, on the assurance that he would be reinstated.

Further, she submitted that since nobody actually saw him taking liquor, the charges against him remained un-substantiated as, even if some bottles of liquor were recovered, they are not 'relatable' to the petitioner.

5. Mr. Sukhbir Singh Mattewal, learned counsel appearing for the respondent-SGPC, on the other hand, submitted that the petitioner having actually been found to have consumed liquor by the member of the SGPC, though not in the act of drinking, and witnesses having testified against him, with he himself also having admitted his fault on paper, there was no room of doubt about his guilt.

He further submitted that in case the petitioner was not actually guilty of having consumed liquor on the Gurdwara premises, there was no reason for him to have signed the papers admitting his fault and asking for forgiveness.

6. Having considered the arguments of both learned counsel, I am

not inclined to entertain the petition, in view of the fact that the petitioner undoubtedly and admittedly signed the papers stating that he has committed a mistake and may be forgiven. Even if it is to be taken that he admitted his guilt, on the assurance that he would be forgiven, the factum of the admission obviously means that he had not denied having consumed liquor, but sought forgiveness, which was not eventually accepted by the respondent. The reason for the same is given in the written statement filed by the respondent; that consuming liquor (by an employee) is considered to be one of the four major “Kurahats” (sins).

7. In view of the fact that, undoubtedly, consuming of liquor within a Gurdwara premises, is a wholly unconscionable act, and the petitioner has actually admitted to having committed it, with witnesses stating that upon the member of the SGPC having reached, the petitioner escaped from there and immediately thereafter, liquor bottles were found in the “Jali”, this writ petition is dismissed.

However, as learned counsel for the petitioner has pointed to the fact that though the dismissal has been ratified by the appellate authority itself, i.e. the Executive Committee of the respondent-Shiromani Gurdwara Parbandhak Committee, without any appeal having been filed, but such an appeal is otherwise maintainable under the Rules applicable to the service of the petitioner, the dismissal of this petition would not preclude the petitioner from filing an appeal against the order dismissing him service.

27.08.2015

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(AMOL RATTAN SINGH)
JUDGE