

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

Civil Writ Petition No. 16820 of 2013(O&M)

Date of Decision: October 7, 2015.

Rakesh Verma

..... PETITIONER (s)

Versus

Chandigarh Administration and others

..... RESPONDENT (s)

CORAM:- HON'BLE MRS.JUSTICE LISA GILL

Present: Mrs. Anju Arora, Advocate
for the petitioner.

Mrs. Deepali Puri, Advocate
for the respondents.

1. Whether reporters of local papers may be allowed to see the judgment?
2. To be referred to the reporters or not?
3. Whether the judgment should be reported in the digest?

LISA GILL, J.

Petitioner has been dismissed from service vide order dated 06.02.2012 (Annexure P7) on account of his conviction under Sections 7/13 of the Prevention of Corruption Act, 1988 vide judgment and order dated 23.07.2007. Appellate Authority vide order dated 26.07.2012 (Annexure P9) has upheld the dismissal of petitioner from service.

Learned counsel for the petitioner submits that impugned order dated 06.02.2012 (Annexure P7) has been passed in violation of the principles

of natural justice inasmuch as no show cause notice was issued to him. Proper provisions of law have not been adhered to by the authorities while imposing the penalty of dismissal from service upon the petitioner thus, vitiating the entire proceedings.

Learned counsel for the respondents submits that a charge-sheet was served upon the petitioner on 29.07.2003 and he had submitted a reply thereto. However, the matter was kept in abeyance in October, 2003 to await the decision of criminal proceedings pending against the petitioner. Criminal proceedings culminated in the conviction of the petitioner on 23.07.2007. Consequently pending departmental proceedings were revived and petitioner was dismissed from service vide impugned order dated 06.12.2012 (Annexure P7). It is fairly conceded, being a matter of record, that no notice whatsoever was served upon the petitioner at the time of revival of the proceedings.

On hearing learned counsel for the parties, it is apparent that after conviction of the petitioner under the Prevention of Corruption Act, proposal for imposition of penalty of dismissal of petitioner from service was proposed on 08.10.2007. No notice or opportunity of hearing was afforded to the petitioner. Learned counsel for the respondents is unable to deny this fact. This aspect has not been discussed by the Appellate Authority which has dismissed the petitioner's appeal while observing that in case of acquittal of the petitioner by this Court, his case shall be reviewed and necessary relief afforded to him.

Keeping in view the abovesaid facts, it is considered just and expedient to set aside the impugned orders dated 06.02.2012 (Annexure P7) and 26.07.2012 (Annexure P9) and remit the matter back to the Disciplinary

Authority to consider the matter afresh after affording due opportunity of hearing to the petitioner and decide the same expeditiously in accordance with law.

Ordered accordingly.

It is clarified that there is no expression of opinion on the merits of the case.

Writ petition is accordingly disposed of.

October 7 , 2015.
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(**LISA GILL**)
JUDGE