

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

CWP No. 24339 of 2012 (O&M)
Date of decision: January 16, 2015

Pala Singh

...Petitioner

Versus

The State of Punjab and others

...Respondents

CORAM:- HON'BLE MR. JUSTICE K. KANNAN

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?

Present: Mr. BS Sidhu, Advocate,
for the petitioner.

Mr. Ranbir Singh Pathania, DAG, Punjab,
for respondents No. 1 and 2.

Mr. Ashish Grover, Advocate,
for respondent No.3.

K. KANNAN, J. (Oral)

1. Affidavit on behalf of respondents No. 1 and 2 is taken on record.

2. The petitioner, who is a farmer, has a grievance that respondent No.3, who was a Patwari and convicted for an offence under the Prevention of Corruption Act, after full fledged trial, was allowed to continue in service till 1.10.2012 when on a complaint by the petitioner he was dismissed from service. The petitioner wants through the writ petition an inquiry into the circumstances under which he was convicted and allowed to continue in service despite successive dismissal by the higher courts, namely, the High Court and the Supreme Court, of respondent No.3's case against conviction.

Evidently, a person who is guilty of a criminal offence of corruption could not have been continued as a public servant and he should have been placed under suspension immediately after he was arrested and if he had also been convicted subsequently, appropriate action must have been taken by initiating departmental proceedings for removal. It would appear that respondent No.3 has accepted the order of dismissal issued by the Government, after acting on the petitioner's complaint. I had on the previous date of hearing directed to gather the details of the payments made by the State to the dismissed employee from April, 1994 when he was convicted till he was dismissed from service. It appears that he had been transferred from District Faridkot to District Sri Mukatsar. The State has filed an affidavit through the Deputy Commissioner along with the documents that showed that respondent No.3 received Rs. 44,046/- towards salary for the period April, 1994 to July, 1994 and also received Rs. 36,066 towards salary and other emoluments, totaling Rs. 80,112/-. Apart from the above, he also received Rs. 30,34,328/- towards salary and other emoluments for the period from July, 1996 to August, 2012. Respondents No. 1 and 2 shall take appropriate steps to initiate an inquiry against the person who was responsible for the retention of the 3rd respondent in the service against the service rules and examine if any action could be taken against that person. The question of recovery of the whole amount from the 3rd respondent may not be possible, for, the salary paid to him must only be taken salary paid for the work done and I will not, therefore, direct any salary to be returned. However, the respondents shall consider taking any action that could deny the terminal benefits arising after the dismissal from service. Any decision taken by respondents No. 1 and 2 against the 3rd

respondent, needless to state, shall be after due notice to him and allow him the benefit of any objection he may have and involve him in the inquiry that conforms to the rules of natural justice. The entire exercise of initiating inquiry against any person responsible for the serious lapse for allowing the 3rd respondent to continue in service and any action to be taken for any form of recovery against any person and the action for stoppage of pension that may result by dismissal, will be completed within 12 weeks from today.

3. The writ petition stands disposed of on the above terms.

January 16, 2015
prem

(K.KANNAN)
JUDGE