

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

205

CWP No.25829 of 2012

Date of Decision:10.07.2015

Manoj Kumari

.....Petitioner

Versus

State of Haryana and others

.....Respondents

CORAM: HON'BLE MR. JUSTICE AJAY TEWARI.

**Present: Mr.R.K.Malik, Senior Advocate,
with Mr.Kuldeep Sheoran, Advocate,
for the petitioner.**

**Ms.Shruti Goyal, AAG, Haryana,
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?**

AJAY TEWARI, J.(oral)

This petition has been filed against the order dated 14.12.2012(Annexure P-7) terminating the services of the petitioner on the ground that she had been convicted, *inter alia*, under Section 325 IPC.

Learned senior counsel has raised two issues. Firstly, while passing the impugned order, reliance has only been placed on the conviction and the conduct of the petitioner which led to her conviction, has not been taken into consideration by the competent authority. As per him, order has to be set aside on this score alone.

He has relied upon a Division Bench judgment dated 20.02.2006 (Annexure P-10) of this Court, titled as **Hari Ram Versus Dakshin Haryana Bijli Vitran Nigam Limited and another.**

Learned Assistant Advocate General, Haryana, has accepted the fact that the conduct of the petitioner which led to her conviction, has not been taken into consideration, while passing the impugned order. The impugned order has to be quashed and a direction be issued to respondent No.3, to pass a fresh order.

Learned senior counsel states that in this interregnum, even the conviction of the petitioner has been stayed by this Court. Of course, that fact would also be considered by the competent authority while passing a fresh order. It is, however, clarified that (since the operation of the impugned order was stayed), the fact that the petitioner is continuing to work would not take away the right of the competent authority to pass a fresh order in accordance with law. However, for the period during which the petitioner has worked, she would have to be paid salary.

Petition stands disposed of in the above terms.

July 10, 2015
seema

(AJAY TEWARI)
JUDGE