

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH.

Case No. : C. W. P.No. 25937 of 2012

Reserved On : September 07, 2013

Pronounced On : 11.09.2015

Raj Kumar

.... Petitioner

vs.

State of Haryana and others

.... Respondents

CORAM : HON'BLE MR. JUSTICE DEEPAK SIBAL.

* * *

To be referred to Reporters or not ?

Whether the judgment should be reported in the digest ?

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Present : Mr. Arun Yadav, Advocate
for the petitioner.

Mr. Harish Rathee, Senior DAG, Haryana.

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DEEPAK SIBAL, J. :

The uncontroverted facts, which have emerged after hearing counsel for the parties and from perusal of the record, are that vide order dated 09.09.2010, the petitioner was appointed as Multipurpose Health Worker (Male) and in pursuance to such appointment, he joined his services on 24.09.2010. Thereafter, vide the impugned orders dated 20.11.2012 (Annexure P-4) and 12.12.2012 (Annexure P-5), the services of the petitioner have been terminated on the ground that at the time of joining of

his duties, the petitioner, as required, had filed an affidavit, in which he had stated that there was no criminal case pending against him, but later, it was found that an FIR dated 26.12.2004 under Sections 323, 324 read with Section 34 IPC had been registered against the petitioner, in which he was facing trial. It was further revealed that vide order dated 13.03.2012, the petitioner had been convicted. Resultantly, his services were ordered to be terminated.

A perusal of the impugned order shows that the services of the petitioner have been terminated only on the ground that the petitioner had submitted a false affidavit at the time of joining his service. A perusal of his terms of appointment show that he, at any time before his joining, was required to file an affidavit to the effect whether at any time before his joining, he had been convicted by a Court of law or had been dismissed from service from any Department of the Government. There was no requirement to give any declaration with regard to pendency of any criminal case. The relevant portion of appointment letter of the petitioner is reproduced below for ready reference :-

*“4. a. A Declaration in writing that
you were not on any previous occasion
dismissed from service under any
Department of Govt. or convicted by a court
of law.”*

Admittedly, at the time of joining his service, the above

declaration as required, was made by him, which was true as it is not disputed that at the time, when the above declaration was made by the petitioner, he had not been convicted. Thus, no false submission was made by the petitioner and the affidavit submitted by him was, as required.

It has further come on record that in appeal, vide order of the Additional Sessions Judge, Jhajjar, the conviction of the petitioner has been set aside and that order has attained finality.

Further, no notice or any opportunity of hearing was granted to the petitioner before passing of the order terminating his services. However, no useful purpose would be served in remanding the matter back to the respondents to proceed against the petitioner after following the principles of natural justice as it has come on record and as noticed above that no false declaration was made by the petitioner at the time of his joining service. The affidavit, as required, had been duly submitted. The only requirement in the required affidavit was to make a declaration whether the concerned candidate had been previously dismissed from service under any Department of Government or convicted by any Court of law. It is the admitted position that the petitioner made the above declaration, which was true as neither the petitioner had been previously dismissed from service under any Department of Government nor had been convicted by Court of law at the time of making the declaration. Even otherwise, the criminal case, which was pending against him, was found to be false as he stands acquitted by the Additional Sessions Judge, Jhajjar,

which order has attained finality.

In view of the above, impugned orders dated 20.11.2012 (Annexure P-4) and dated 12.12.2012 (Annexure P-5) are quashed, with all consequential benefits.

**(DEEPAK SIBAL)
JUDGE**

Pronounced On : 11.09.2015
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