

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

Civil Writ Petition No.27131 of 2015

Date of decision: 23.12.2015

Jagsir Singh

...Petitioner

Versus

The State of Punjab and others

...Respondents

CORAM: HON'BLE MR.JUSTICE G.S.SANDHAWALIA

Present: Mr. Kulbir Singh Sekhon, Advocate for the petitioner.

G.S.SANDHAWALIA, J. (Oral)

The petitioner who was working as an Orderly in the Court of Civil Judge (Senior Division), Fazilka seeks quashing of orders dated 3.6.2013(Annexure P/7) passed by respondent no.3 whereby he was dismissed from service which has been upheld on 16.9.2015 (Annexure P/8) by dismissing the service appeal.

Respondent no.3, the then learned Session Judge, Ferozepur took into consideration the enquiry report dated 30.4.2013(Annexure P/5) which had been submitted by the Additional Civil Judge (Senior Division), Abohar and reply to the show cause notice. It was noticed that earlier also the petitioner had been removed from service but the said punishment was converted into stoppage of four increments with cumulative effect while allowing the service appeal of the petitioner on 20.5.2011 by the learned Administrative Judge.

The charge against the petitioner on the basis of which the impugned order has been passed was that he had been deputed to the Court of Sh. Sumit Ghai, Civil Judge (Senior Division), Fazilka. On 12.3.2013 a complaint had been filed against him that he had been demanded a sum of ₹ 5000/- as bribe on account of reshuffling of jurisdiction and on creation of Courts at Fazilka. The demand was on

ground that the file would be transferred again to Ferozepur which was apparently to avoid a particular Judicial Officer. The amount was also deposited in the bank account of the petitioner which is maintained with the State Bank of India at Muktsar. The complainant has supported the allegations with proof of voice recording and bank receipt. The Enquiry Officer after taking into account the evidence which was led and conversation recorded in the CD came to the conclusion that the petitioner had failed to give justification for the receipt of ₹ 5000/- from the complainant and conversation recorded which led to the dismissal order of the petitioner.

The service appeal of the petitioner was dismissed on 16.9.20015 (Annexure P/8) which also considered all these factors and held that charge had already been proved in the departmental proceedings.

As noticed above the petitioner's track record also goes on to show that on an earlier occasion order of removal from service has been passed against him. Nothing has been demonstrated as to how the petitioner has been prejudiced. A proper charge sheet and show cause notice was issued to the petitioner and he was given an opportunity of hearing and the principles of natural justice have been duly followed before passing of the dismissal order.

The argument of the counsel for the petitioner that lenient view should be taken on account of minor family members cannot be accepted by this Court. The petitioner was working in the Judicial Courts and there is a great element of integrity which is required and a person like the petitioner can abuse the system on account of such illegal demands and are better if weeded out. Accordingly, there is no scope for interference.

In such circumstances the order impugned is not liable to be

interfered with in exercise of jurisdiction under Article 226 of the Constitution of India.

The present writ petition is dismissed in limine.

December 23, 2015
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(G.S.SANDHAWALIA)
Judge