

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH
114

CWP No.7052 of 2015

Date of Decision:20.04.2015

Rattan Singh

.....Petitioner

Versus

State of Punjab and another

.....Respondents

CORAM: HON'BLE MR. JUSTICE ARUN PALLI.

- 1. Whether Reporters of local papers may be allowed to see the judgment?**
- 2. To be referred to the Reporters or not?YES**
- 3. Whether the judgment should be reported in the Digest?**

**Present: Mr.Vipin Mahajan, Advocate,
for the petitioner.**

ARUN PALLI, J.(oral)

A writ in the nature of certiorari is prayed for, so as to quash the letter dated 28.01.2013(Annexure P-8), issued by respondent No.2, vide which claim of the petitioner as regards General Provident Fund (GPF) has been declined. And a direction is sought to the respondents, to release the requisite amount of GPF to the petitioner.

Ex facie, petitioner i.e. Rattan Singh had taken employment by fraud in the name of his twin brother Sh.Prem Singh by not only impersonating himself as such but by also misusing his qualification certificates. As a result, he was dismissed from service on 04.03.2005. Civil Writ Petition No.11183 of 2008 preferred against the said order, too was dismissed by this Court on 24.03.2009(Annexure P-6). And the

operative part of the said order reads as thus:-

“There is another reason not to accept the contention of the petitioner. The petitioner cannot be termed as a public servant. He was never selected or appointed for the post. To the contrary, his brother Prem Singh was appointed and petitioner fraudulently in connivance with his brother by impersonating as Prem Singh entered the Govt. service in the name of Prem Singh. The petitioner has specifically admitted in the writ petition that his real name is Ratan Singh. Though, he has been serving as Prem Singh and all along signing and representing as Prem Singh. It has come on record during the course of the enquiry that the petitioner and his brother Prem Singh have played fraud with the Govt. Though, they are twin brothers and their date of birth is 1.6.1949, they have shown different age in the voter list. The petitioner has shown his age as 47 years whereas Prem Singh has shown his age as 45 years. Even, when the petitioner applied for Ration Card in the year 1995 to the Food and Supply Department, he has shown himself as Agriculturist, whereas, he was serving as Manual Assistant and was drawing salary from the State Govt. The petitioner took a defence before the Enquiry Officer that his name was wrongly mentioned as Prem Singh in the appointment letter. The Enquiry Officer, however, recorded specific finding that he joined the Govt. service in the name of Prem Singh and no attempt was made either before the appointment or during his entire service for amendment of the appointment letter rather he represented himself as Prem Singh and drawn his salary in the said name all along. It was only when the allegation against the petitioner came to notice of the department that he started writing as Ratan Singh @ Prem Singh. However, prior to that, he never signed or wrote his name as Ratan Singh @ Prem Singh. Even in the reply to the charge sheet the petitioner has admitted that his real name is Ratan Singh and Prem Singh is his brother.

In view of the clear findings the fraud played by the petitioner in connivance with his brother Prem Singh has been totally established. In my humble view the petitioner is not even entitled to protection under Article 311. It is only the genuine public servant who is entitled to protection under Article 311. Petitioner is an imposter and secured entry in the Govt. service

by impersonation and fraudulent manner. He cannot be permitted to take refuge under Article 311. In any case he was served with a proper charge sheet and a departmental enquiry was held in accordance with rules except imputing pre-determined, bias, there is no other ground to assail the enquiry. Even on the basis of admissions made by the petitioner during the course of the enquiry and in the present petition the charge against him is proved. There is no merit in this petition and the same is accordingly dismissed.”

Indisputably, the order passed by this Court dated 24.03.2009(Annexure P-6) has attained finality as it was not assailed any further. However, in response to a legal notice dated 10.09.2012 (Annexure P-7), vide which, the respondents were asked to release the General Provident Fund of the petitioner, the Department (vide letter dated 28.01.2013(Annexure P-8) declined his claim. That is how the petitioner is before this Court.

Concededly, the petitioner was neither selected nor appointed against the post of Manual Assistant. On the contrary, the employment was afforded to his twin brother Prem Singh, who he impersonated. And even misused his certificates to enter Govt. service. Fraud played by the petitioner in connivance with his brother Prem Singh with the Govt. is writ large on the face of the record which, needless to assert vitiates everything. Quite naturally, GPF A/c No.Ind/III/Pb/1318 was opened in the name of Prem Singh and, thus the amount(GPF) cannot be released to Rattan Singh(petitioner), as on record he was never in the employment of the Department.

Learned counsel for the petitioner could not point out as to how the conclusion arrived at by the respondents in the letter dated

28.01.2013(Annexure P-8) is either erroneous or contrary to the position on record.

That being so, no interference under Article 226 of the Constitution of India is warranted. The petition being devoid of merits, the same is dismissed in *limine*.

April 20, 2015
seema

(ARUN PALLI)
JUDGE