

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

LPA No.106 of 2015

Date of Decision:- 12.05.2015.

Santosh Kumari

.....Appellant

Versus

State of Haryana and others

.....Respondents

**CORAM: HON'BLE MR. JUSTICE SURYA KANT
HON'BLE MR. JUSTICE P.B. BAJANTHRI**

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. Ravinder Malik, Advocate for the appellant.

Mr. Deepak Manchanda, Additional A.G. Haryana.

SURYA KANT, J. (ORAL)

1.) This Letters Patent Appeal impugns the order dated 8.12.2014 whereby the appellant's writ petition in which she challenged the order of her dismissal from service, has been dismissed.

2.) The appellant was a Multi-Purpose Health Worker in the State of Haryana. She along with her co-accused, was tried for an offence under Section 302 and 120-B IPC, registered vide FIR No.637 dated 18.09.2010 at Police Station, Jind. The allegation

against the appellant was that she had illicit relationship with the husband of the deceased and as the deceased used to object to such relationship, that she was done to death by her husband, the appellant and her husband etc. The learned Sessions Judge, Jind vide judgment and order dated 01.11.2011, held the appellant guilty of the offence under Section 120-B and 302 IPC and sentenced her to undergo rigorous imprisonment for life besides fine etc.

3.) The Disciplinary Authority, namely, the Director General, Health Services, Haryana has consequently, dismissed the appellant from service vide order dated 24.07.2013 taking into consideration the conduct which led to her conviction in the above mentioned case on the criminal charge.

4.) The aggrieved appellant approached this Court but her writ petition has been dismissed *in limine* and by way of a brief order.

5.) It is urged by her learned counsel that the appellant has already filed Criminal Appeal No.1129-DB of 2011 in which her sentence has been suspended enlarging her on bail. He points out that the above stated appeal is still pending.

6.) Since the appellant has been dismissed from service only on the basis of her conduct which led to her conviction in the criminal case, the appropriate recourse for the learned Single Judge would have been to admit her writ petition and order its listing for final hearing after the decision of the criminal appeal that would have saved the parties from multiple rounds of litigation.

7.) For the aforesaid reason, we allow this appeal; set aside the order dated 08.12.2014 passed by learned Single Judge. The writ petition is, accordingly, ordered to be admitted. There shall be liberty to the appellant to seek out of turn hearing of the writ petition after the decision of her criminal appeal. The respondents may file their written statement meanwhile, if need be.

8.) There shall be no interim stay.

**(SURYA KANT)
JUDGE**

**(P.B. BAJANTHRI)
JUDGE**

May 12, 2015.

sandeep sethi