

**IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH**

LPA No. 941 of 2015

DATE OF DECISION : 01.07.2015

Karnail Singh

.... APPELLANT

Versus

State of Haryana and others

.... RESPONDENTS

CORAM :- HON'BLE MR. JUSTICE SATISH KUMAR MITTAL
HON'BLE MR. JUSTICE HARINDER SINGH SIDHU

Present : Mr. Rakesh Gupta, Advocate, for the appellant.

SATISH KUMAR MITTAL, J. (Oral)

Karnail Singh (appellant) was serving as a Driver in the Haryana State Cooperative Land Development Bank Limited. A criminal case was registered against him, as he entered his neighbour's lawn in a drunken condition and tried to molest the wife of his neighbour. He dragged her inside the house, where in order to save herself, she committed suicide. In that case, the appellant was convicted under Section 306 IPC, which was upheld by this court in appeal. On the basis of the said conviction, the appellant was dismissed from service. An appeal filed by him against his dismissal from service was also dismissed. Both these orders have been upheld by the learned Single Judge vide the impugned order, while dismissing the writ petition filed by the appellant.

Learned counsel for the appellant made two-fold submissions. Firstly, that the offence committed by the appellant was not an offence of moral turpitude, and secondly that after his conviction by the trial court and

during the pendency of appeal against his conviction, the appellant was ordered to be re-instated. However, subsequently after dismissal of his appeal, he was again dismissed from service. Learned counsel further argued that since the appellant has served the department for more than 18 years, a sympathetic view is required to be taken.

In our opinion, the submissions made by learned counsel for the appellant are not sustainable. In the facts of this case, it cannot be said that the offence committed by the appellant is not an offence of moral turpitude. The re-instatement of the appellant during the pendency of the appeal ipso facto does not give him any right to remain in service, particularly when his conviction for the aforesaid offence has attained finality. Therefore, we are of the opinion that merely on the basis of re-instatement of the appellant at a particular time, his dismissal from service cannot be said to be illegal. Further, keeping in view the nature of the offence committed by the appellant, no sympathetic view can be taken merely because he has served the department for more than 18 years.

In view of the above, we do not find any ground to interfere with the order passed by the learned Single Judge.

No merit. Dismissed.

**(SATISH KUMAR MITTAL)
JUDGE**

July 01, 2015
ndj

**(HARINDER SINGH SIDHU)
JUDGE**