

**Sr. No. 122
IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH**

**CWP No.13042 of 2016 (O&M)
Date of Decision: 08.07.2016**

Ranbir Singh

... Petitioner

Versus

State of Haryana and others

... Respondents

CORAM:- HON'BLE MR. JUSTICE TEJINDER SINGH DHINDSA

Present:- Mr. Abhinav Sood, Advocate for
Mr. Vikram Singh, Advocate,
for the petitioner.

TEJINDER SINGH DHINDSA, J.(ORAL)

Challenge in the instant writ petition is to the order dated 25.05.2016 passed by the Director, Development and Panchayats Department, State of Haryana in terms of which the petitioner while serving on the post of Assistant had been directed to be dismissed from service.

Perusal of the impugned order would reveal that Proviso (a) to Article 311(2) of the Constitution of India has been invoked and the petitioner has been dismissed on account of his conviction by the Court of learned Chief Judicial Magistrate, Karnal vide judgment dated 07.09.2013 under Section 409 of the Indian Penal Code.

During the course of arguments, it has been brought to the notice of this Court that no departmental proceedings were initiated by the employer against the petitioner on the same set of allegations which had led to his criminal prosecution. In other words, the order of dismissal is based solely on a judgment of conviction.

Counsel states that an appeal against the judgment of

conviction is pending final adjudication and in such appeal, upon an application having been filed sentence has been suspended.

As per prayer and submission made by counsel, the present petition is disposed of as not pressed at this stage with liberty to the petitioner to approach this Court afresh seeking reinstatement along with all consequential benefits in the eventuality of the petitioner earned acquittal from the competent Court.

Disposed of accordingly.

08.07.2016

vandana

**(TEJINDER SINGH DHINDSA)
JUDGE**