

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

CIVIL WRIT PETITION NO. 13477 of 2016

DATE OF DECISION: JULY 13, 2016

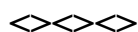
Sajjan Singh and anotherPetitioners

Versus

State of Haryana and othersRespondents

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

Present: Mr.Parmod Chauhan, Advocate for the petitioners.



TEJINDER SINGH DHINDSA, J.

The petitioners, who claimed to have joined service in the respondent-Public Health Department, State of Haryana on the post of Beldar and Mali-cum-Chowkidar respectively in the years 1983 and 1986, have filed the instant writ petition seeking the issuance of writ in the nature of mandamus directing respondents to re-instate them with continuity in service. Further prayer is for release of salary to the petitioners which is stated to have been withheld since 2014.

2. There are no averments in the body of the petition which would indicate that the petitioners have been placed under suspension or that their services have been dispensed with, and neither has any document in such regard placed on record so as to justify the prayer seeking re-instatement.

Likewise, a claim for release of salary w.e.f. 2014 has been raised without

substantiating that the petitioners have worked and discharged their duties for such period.

3. Placed on record and appended along with the petition are two legal notices carrying even date i.e. 27.1.2016 at Annexures P13 and P14 which, as per petitioners, have been served upon the respondent-Authorities. In the legal notices, it has been asserted that the petitioners have filed repeated representations for release of the retiral benefits, GPF along with interest thereupon. The relief sought in the writ petition is totally at variance to the claim raised in the legal notices at Annexures P13 and P14.

4. In spite of this Court putting a specific query to learned counsel in such regard, the response has been evasive.

5. The legal notices at Annexures P13 and P14 are stated to have been responded to by the respondent-Department vide two separate replies also carrying even date i.e. 27.4.2016 and appended at Annexures P15 and P16 respectively. Perusal of the same do shed some light as regards the real facts of this case and which were not put forth by the counsel.

6. As per the replies at Annexures P15 and P16 which are identically worded, the petitioners herein are real brothers and their other brother, namely, Kartar Singh had lodged a complaint that the petitioners herein had secured entry into service by furnishing false dates of birth. The Superintending Engineer, Public Health, Engineering Circle, Jind vide letter dated 13.10.2014 directed the Executive Engineer, Public Health, Engineering Division, Jind to hold a preliminary secret enquiry in the matter. In pursuance to such directions, a Committee is stated to have been

constituted to elicit the factual position regarding the actual dates of birth of Sajjan Singh and Mehtab Singh. Vide letter dated 12.3.2015, the Superintending Engineer, Public Health, Engineering Circle, Jind issued directions to get a criminal case registered against the petitioners as also to initiate departmental proceedings. As per the replies placed on record at Annexures P15 and P16, both the petitioners are continuously absenting from duty.

7. This Court is of the considered view that the petitioners have not disclosed complete and true facts before this Court. This would be apparent from a joint reading of the prayer made in the petition as opposed to the legal notices at Annexures P13 and P14 that have been served upon the respondent-Department on behalf of the petitioners. Furthermore, in the light of the factual position emerging from the replies at Annexures P15 and P16 to the legal notices by the Department, this Court is, prima facie, satisfied that the petitioners are evading departmental proceedings and are deliberately absenting from duty.

8. No interference in the matter is called for.

9. Petition is dismissed.

(TEJINDER SINGH DHINDSA)
JUDGE

JULY 13, 2016
SRM

Note: *Whether referred to Reporter? (Yes/No)*