

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CWP No. 27078 of 2016 (O/M)
Date of decision : 23.12.2016

Swaran Singh

..... Petitioner (s)

Versus

State of Punjab and others

..... Respondent (s)

CORAM : HON'BLE MR. JUSTICE KULDIP SINGH

Present:- Ms. Bhupinder Pal Kaur Brar and Ms. Navin Malik, Advocates,
for the petitioner.

1. Whether the Reporters of local newspaper may be allowed to see the judgment ?
2. To be referred to the Reporter or not.
3. Whether the judgment should be reported in the digest ?

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KULDIP SINGH J. (ORAL)

The petitioner was working as a Revenue Patwari under the Punjab Government with effect from 16.2.1982. He was promoted as a Kanungo in the year 1994. A criminal case bearing FIR No. 84 dated 30.12.2003 was registered against the petitioner at Police Station Vigilance Bureau, Ferozepur, under Sections 7, 13 (2) of the Prevention of Corruption Act, 1988. The petitioner was accordingly suspended, but later on reinstated in service. Vide judgment dated 6.7.2006, passed by the learned Special Judge, Ferozepur, the petitioner was convicted under Section 7, 13 (2) of the Prevention of Corruption Act, 1988 and sentenced to undergo rigorous imprisonment for two years and fine of Rs. 2,000/-, in default thereof, to further undergo rigorous imprisonment for three months. In the criminal appeal (CRA-1268-SB-2006), filed before this Court, the substantive sentence was reduced from two years to one year, vide order dated 27.2.2007. Thereafter, the department, after issuing a show cause

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notice, terminated the services of the petitioner, vide impugned order dated 27.2.2007 (Annexure-P-1). The appeal against the said order has been dismissed by the appellate authority on 2.6.2016 (Annexure-P-3). The prayer of the petitioner is that keeping in view the length of service of the petitioner, in place of dismissal from service, the petitioner should have been awarded the penalty of compulsory retirement.

I have heard the learned counsels for the petitioner and have also carefully gone through the file.

As per the Government instructions, if somebody is convicted in a criminal case, he should be dismissed from service. It is the prerogative of the Government and the requirement of the law that such an employee, who is involved in the corruption case, should be dismissed from service. This Court, while exercising writ jurisdiction, cannot interfere for the quantum of punishment awarded by the department, so as to reduce the punishment from dismissal from service to compulsory retirement. There is no ground to interfere in the impugned order. Therefore, the present writ petition is dismissed.

(KULDIP SINGH)
JUDGE

23.12.2016
sjks

Whether speaking / reasoned : Yes

Whether Reportable : No