

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

**C.W.P No. 6339 of 2016
Date of decision : 04.04.2016**

Amit

...Petitioner

versus

State of Haryana and others

..Respondents

CORAM: HON'BLE MS. JUSTICE RITU BAHRI

Present: Mr. H.S. Hooda, Sr. Advocate with
Mr. C.S. Singh, Advocate
for the petitioner.

RITU BAHRI , J.

The petitioner is seeking writ in the nature of certiorari for quashing the impugned order dated 05.05.2015 (P-5) passed by Director General (Prisons), Panchkula, Haryana whereby the appeal/representation made by the petitioner challenging his dismissal from the post of Jail Warder, District Jail, Jind.

Petitioner was posted as Jail Warder in District Jail, Jhajjar and on 02.05.2012 the office of Supdt, Distt. Jail Jhajjar received a complaint from the office of Supdt of Police, Jhajjar vide letter dated 30.04.2012 with regard to the fact that the petitioner had demanded Rs.15000/- along with one LCD from an under trial. He had also demanded boxes of whiskey whereupon the under trial had agreed to

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give one box. Later on F.I.R No. 277 of 2012 was registered against the applicant under Section 7/13 of Prevention of Corruption Act (for short 'the Act') along with Section 120-B/201 IPC. Petitioner was issued charge sheet dated 28.08.2012 under Rule 11 of the Punjab Jail Department Executive Staff (Punishment and Appeals) 1943 read with Rule 15 of Punjab Jails Department State Services (Class III Executive) Rules 1963. Enquiry was conducted in to the matter by Shishu Pal Singh, Supdt, Distt Jail, Rohtak and the Enquiry Officer submitted his report by giving punishment of warning vide letter dated 29.07.2013 and issued order to consider period of suspension as duty period along with all provisions. However, in the meantime, petitioner was given punishment vide order dated 17.02.2014 by ADJ, Jhajjar to undergo rigorous imprisonment substantially for a period of four years under Section 7/13 of the Act. Thereafter, Supdt. Headquarter Jails, Admbala dismissed the petitioner from service vide order dated 20.03.2014. An appeal was filed by the petitioner against the above said order but at the time of personal hearing, petitioner failed to produce any substantial fact or evidence in his defence. The appeal was dismissed as vide order dated 17.02.2014, it was clear that the allegations levelled against the petitioner stood duly proved.

Thereafter, petitioner preferred an appeal before this Court against judgment of conviction and order of sentence and this Court

suspended the sentence of the petitioner till the final decision of the appeal, vide order dated 28.11.2014. Thereafter, vide order dated 17.02.2014, the services of the petitioner was dismissed.

Learned senior counsel for the petitioner submits that since the sentence of the petitioner has been suspended, the respondents be directed to allow the petitioner to reinstated on the post of Jail Warder during the pendency of the petitioner.

This argument of learned counsel is liable to be rejected as it cannot be made a ground to set aside the order of dismissal passed against the petitioner, which was passed by the authorities after the petitioner was convicted and the charges levelled against him stood duly proved.

No ground is made out to quash impugned orders.

The petition is dismissed.

(RITU BAHRI)
JUDGE

04.04.2016

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