

LPA-2164-2013 (O&M)

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

LPA-2164-2013 (O&M)

Date of Decision: August 12, 2016

Dalip Singh

.....Appellant

Versus

State of Haryana and others

.....Respondents

**CORAM: HON'BLE MR.JUSTICE SURYA KANT
HON'BLE MR. JUSTICE SUDIP AHLUWALIA**

Present: Pt.Randhir Sharma, Advocate
for the appellant.

Mr.R.D.Sharma,DAG, Haryana.

Mr.R.S.Sihag, Advocate
for respondent No.3.

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SURYA KANT, J.

This intra-Court appeal challenges the order dated 09.09.2013 whereby learned Single Judge has dismissed the appellant's writ petition in which he challenged his removal from service.

The facts may be briefly noticed as under:

The appellant was working as a Secretary in the Singhran Cooperative Credit & Service Society Limited, Singhran, Tehsil and District Hissar (for short, 'the Society'). He was placed under suspension and served with a charge-sheet under Rule 27 of the Haryana State Central Coop.Banks Staff Service Common Cadre Rules, 1975, vide charge memo, dated

22.12.1981. The allegations against him were that (i) he had embezzled ₹169176.79; and (ii) he was found absent from duties.

The appellant received charge-sheet on 02.03.1982 but filed no reply. The Enquiry Officer was appointed who gave him adequate opportunity to defend himself. The charges were proved and based upon the enquiry report, a show cause notice dated 13.05.1982 was served on the appellant, which he received on 27.05.1982. After consideration of his reply, the Managing Director removed him from service vide order dated 26.07.1982.

Though the order is not on record, but learned counsel for the bank pointed the averments made in para 3 of the written statement to the effect that the appellant filed a departmental appeal which was dismissed by the Registrar Cooperative Societies, Haryana, on 18.01.1983. The appellate order was not even put to challenge in the writ proceedings.

It further appears that subsequently FIR No.262 dated 05.08.1982 under Section 409, IPC, was also got registered against the appellant at Police Station, Sadar, Hissar. In the criminal case he was acquitted on 25.07.1992 as the prosecution witnesses turned hostile. Thriving upon the acquittal order, the appellant filed the writ petition questioning the order of removal from service and sought his re-instatement, which has been declined by learned Single Judge.

As the facts speak for themselves, the appellant has been found guilty of committing serious misconduct in the domestic enquiry. The

allegations of embezzlement having been proved, the punishment of removal from service is neither harsh nor can be held to be dis -proportionate to the nature of charges established against him.

No case to interfere with the order under appeal is made out.

Dismissed.

(SURYA KANT)
JUDGE

August 12, 2016
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(SUDIP AHLUWALIA)
JUDGE

Whether speaking/reasoned	:	Yes/No
Whether Reportable	:	Yes/No