

HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

**CM-3304-LPA-2016 in/and
LPA No.1538 of 2015 (O&M)
Date of Decision: 27.09.2016**

Krishan Singh

... Appellant

VS.

State of Haryana & Anr.

... Respondents

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

1. Whether speaking / reasoned?	Yes / No
2. Whether reportable?	Yes / No
3. Whether Reporters of local papers may be allowed to see the judgment?	Yes / No
4. To be referred to the Reporters or not?	Yes / No
5. Whether the judgment should be reported in the Digest?	Yes / No

Present: Mr. Vikram Singh, Advocate for the appellant

Mr. Ravi Dutt Sharma, DAG Haryana

SURYA KANT, J. (Oral)

(1) This Letters Patent Appeal is directed against the order dated 20.07.2012 whereby learned Single Judge has dismissed the appellant's writ petition. The appeal is accompanied with an application under Section 5 of the Limitation Act seeking condonation of 1130 days in filing the accompanying appeal. The only ground taken for condonation of delay reads as follows:-

“That as the appellant were under the impression that now they have to approach the Hon'ble Supreme Court and that is why he did not take any further action. Now on appellant came to know that he can file the appeal in this Hon'ble Court and approached the undersigned counsel for filing the appeal and only then they came to know that the limitation for filing the appeal is 30 days. The delay in filing the appeal is neither intentional nor

willful but has occurred due to the reason mentioned above.”

(2) It may be seen that the averments are totally vague, evasive and misleading. There is no explanation whatsoever worth consideration. The application is accordingly dismissed.

(3) Even on merits also, we do not find any ground to interfere with the order passed by learned Single Judge. The appellant was a driver in Haryana Roadways. He was convicted for the offence under Section 279, 337, 304-A IPC. Based upon that conviction, he was dismissed from service. The appellant filed Criminal Revision against the order of conviction and the appellate order. The Revisional Court though upheld the conviction but released him on probation. On that basis, the appellant sought his reinstatement in service which was declined. Such an order has been upheld by learned Single Judge.

(4) We have heard learned counsel for the appellant at a considerable length.

(5) The release of an offender on probation does not obliterate the complete effect of his conviction. While arriving at a conclusion whether or not the delinquent employee is liable to be dismissed or removed from service, his conduct which led to his conviction has to be borne in mind. In the case in hand, the appellant was found guilty of driving the bus in a rash and negligent manner. He hit two children one of whom succumbed to the injuries at the spot while the other was rushed to the hospital due to grievous injuries. The appellant instead of taking the injured to the hospital fled away from the scene and abandoned the vehicle where the injured persons were also stranded. Such conduct of the appellant was also a factor which has

been kept in view by the competent authority while dismissing him from service.

(6) No case to interfere with the order of learned Single Judge is made out.

(7) Dismissed.

(Surya Kant)
Judge

27.09.2016
vishal shonkar

(Sudip Ahluwalia)
Judge