

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

LPA No. 378 of 2015 (O&M)

Date of decision : 11.3.2016

Gurdeep Singh

.. Appellant

versus

Chief Medical Officer and others

.. Respondents

**Coram: Hon'ble Mr. Justice Rajesh Bindal
Hon'ble Mr. Justice Harinder Singh Sidhu**

Present: Mr. Shekhar Verma, Advocate, for the appellant.

Ms. Munisha Gandhi, Additional Advocate General, Punjab
with Ms. Harleen Kaur, Assistant Advocate General, Punjab.

Rajesh Bindal, J.

The writ petition filed by the appellant having been dismissed by the learned Single Judge, the order has been impugned in the present appeal.

The appellant was appointed as Driver on 24.1.1996 and continued in service till 15.5.2002 and his services were terminated vide order dated 9.6.2003 after holding regular enquiry, in which the appellant was afforded due opportunity of hearing, but he failed to avail of the same.

The industrial dispute was sought to be raised by the appellant about 6 years after his termination. Important fact which was concealed by the appellant from the department at the time of his appointment was that he was involved in FIR No. 82 dated 4.12.1989 under Sections 364, 436, 379, 148, 149, 302, 427 IPC read with Sections 25, 27, 54 and 59 of the Arms Act at Police Station Raman Mandi, District Bathinda. The charge in enquiry was absence from duty from 15.5.2002 to 18.7.2002 and from 24.7.2002 till 9.6.2003. He was convicted and sentenced to life imprisonment vide judgment of learned Additional Sessions Judge, Bathinda, on 7.8.2003. The appeal preferred by the appellant was dismissed by this Court on 1.7.2005. However, finally he was acquitted by Hon'ble the

Supreme Court vide judgment dated 13.10.2006. But the fact remains that dismissal of the appellant from service was not on the ground that he was convicted in a criminal case, rather it was after due enquiry and on proved charges of unauthorised absence from the duty. Further important fact noticed by the learned Single Judge was that the appellant had all along concealed from the department regarding his involvement in a case with serious offences.

For the reasons mentioned above, we do not find any reason to differ with the view taken by the learned Single Judge. The appeal is accordingly dismissed.

(Rajesh Bindal)
Judge

11.3.2016
vs

(Harinder Singh Sidhu)
Judge