

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

Letters Patent Appeal No. 53 of 2016 (O&M)
Date of decision: 28.3.2016

A. S. Chawla

.. Appellant

v.

Union of India and others

.. Respondents

CORAM: HON'BLE MR. JUSTICE RAJESH BINDAL
HON'BLE MR. JUSTICE HARINDER SINGH SIDHU

Present: Mr. Ashok Bhardwaj, Advocate for the appellant.

...

Rajesh Bindal J.

The appellant having failed before the learned Single Judge has filed the present intra-court appeal challenging the judgment dated 13.8.2015.

The challenge in the writ petition was to the order dated 12.5.2010, vide which punishment of cut of 1/3rd pension was imposed on the appellant. The proved allegation against the appellant was that at the time of seeking employment, he tampered with his date of birth from 15.9.1940 to 15.9.1946 in Matriculation certificate. After the matter came to the notice of the authorities, disciplinary proceedings were initiated against him. The disciplinary authority dismissed the petitioner w.e.f. 30.9.2000 vide order dated 14.10.2009, however, in appeal granting some relief, cut to the extent of 25% in the pension was imposed. As a result of tampering in the date of birth, the appellant had been able to continue in service for additional six years and draw salary. As has been noticed by the learned Single Judge, the civil suit filed by the appellant was dismissed by the Civil

Court on 14.3.2009 and thereafter the appeal was also dismissed as withdrawn on 17.10.2011.

Once the continuation in employment of the appellant due to fabricated Matriculation certificate showing his date of birth as 15.9.1946 as against 15.9.1940 has been proved, being undisputed, in our opinion, there is no error in the order passed by the learned Single Judge dismissing the writ petition filed by the appellant. The punishment imposed on the appellant cannot be said to be disproportionate to the guilt proved. There is no equity in favour of the appellant.

For the reasons mentioned above, the present appeal is dismissed. Consequently, the application for condonation of delay in filing the appeal is also dismissed.

(Rajesh Bindal)
Judge

(Harinder Singh Sidhu)
Judge

28.3.2016
mk