

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CWP No.12462 of 2008

Date of Decision:-03.05.2017.

Sub Inspector Jagdish Chander

.....Petitioner

Versus

State of Haryana and others

.....Respondents

CORAM: HON'BLE MR. JUSTICE P.B. BAJANTHRI

Present: Mr. Daldeep Singh, Advocate for the petitioner.

Mr. Sushil Gautam, DAG, Haryana.

P.B. BAJANTHRI, J. (Oral)

In the instant writ petition, the petitioner has questioned the validity of dismissal order dated 2.7.2008 (Annexure P-4). The petitioner while working as Sub Inspector on deputation in NHPP, Gurgaon-Rewari Highway on 8.3.2006 had demanded illegal gratification to the extent of a sum of ₹ 5,000/- from one Sh. Pawan Kumar (complainant) who was dealing in sale and purchase of Mobil-Oil in the name of M/s Pawan Kumar and his brothers. Arising out of the complaint, criminal case was registered by filing FIR No.17 on 8.3.2006 under Sections 7 and 13 of the Prevention of Corruption Act, 1988 (for short 'P.C. Act, 1988'). The petitioner was convicted on 20.12.2007 by the Special Judge, Gurgaon and he was sentenced to undergo RI for a period of 4 years and 6 months and further a fine of ₹ 10,000/- was imposed under Section 13 (1) (8) of the P.C. Act,

1988. Based on the conviction and sentence in the criminal proceedings for the offences under the P.C. Act, 1988 the Commander of 2nd Battalion HAP Madhuban proceeded to dismiss the petitioner from service on 2.7.2008 which is the subject matter in the present petition.

Learned counsel for the petitioner submitted that during pendency of this petition, criminal appeal was allowed on 23.12.2015 and the petitioner had been acquitted for the offences under the P.C. Act 1988. Therefore, Annexure P-4 is liable to be set aside. In view of the later development that the petitioner has been acquitted in the criminal case and the fact that the order of dismissal is based on the conviction, hence, Annexure P-4 – order of dismissal dated 2.7.2008 is set aside. The Commander 2nd Battalion, HAP Madhuban is hereby directed to regularize petitioner's service and extend all benefits in accordance with law. The above exercise shall be completed by the concerned respondent-Commander within a period of 3 months from today.

Petition stands allowed.

(P.B. BAJANTHRI)
JUDGE

May 03, 2017.
sandeep sethi

Whether speaking/reasoned:-

Yes / No

Whether Reportable:-

Yes / No.