

*IN THE HIGH COURT FOR THE STATES OF PUNJAB
AND HARYANA AT CHANDIGARH.*

CWP 10472 of 2017

Date of decision: 16.5.2017

Iqbal Singh

Petitioner

vs.

State of Punjab and others

Respondent

Present: Mr.BS Bhalla, Advocate.

M.M.S.BEDI,J.

The petitioner seeks a direction to the State of Punjab for dismissal of services of respondent No.4, who has been convicted u/s 13 of the Prevention of Corruption Act along with others sections of IPC.

It is contended by counsel for the petitioner that as per Rule 16.2(1) of the Punjab Police Rules, punishment of dismissal would be awarded in the gravest act of misconduct. Section 16.2(2) of the above said Rules provides that on the basis of the conduct of an enrolled police officer, which has led to his conviction, he can be dismissed from service.

The petitioner seeks a direction to SSP Moga for consideration of his legal notice dated 17.1.2017 (Annexure P-4).

I have heard counsel for the petitioner and I am of the opinion that provisions of the Constitution of India require that if a person is to be dismissed, it is his conduct, which has led to his conviction, which would warrant such punishment. Dismissal from service on the basis of conviction simpliciter is a debatable issue. No ground is made to issue any direction on account of personal enmity of the petitioner with respondent No.4. However, it will be open to the concerned authorities to initiate action on the basis of the conduct, which has led to conviction of respondent No.4.

May 16 ,2017
TSM

(M.M.S.BEDI)
JUDGE

Whether speaking/ reasoned

Yes/ No

Whether Reportable

Yes/ No