

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

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**CWP-12771-2017 (O&M)
Date of decision:02.06.2017**

Balwan Singh

....Petitioner

Versus

State of Haryana and others

.... Respondents

CORAM: Hon'ble Mr. Justice P.B. Bajanthri

Present: Mr. S.K.Verma, Advocate for the petitioner.

P.B. Bajanthri, J. (Oral)

In the present writ petition, petitioner has assailed order dated 12.04.2017 (Annexure P8). Petitioner while working in the Labour department, he was subjected to criminal proceedings for the offences under Sections 7 and 13 (1)(d) of Prevention of Corruption Act, 1988 (for short 'P.C.Act'). On 14.06.2016 petitioner was convicted for the offences punishable under Sections 7 and 13 (1)(d) of the P.C.Act to the extent of 4 years imprisonment and fine of Rs.10,000. Further if the fine is not paid he has to undergo further imprisonment for a period of 2 months. Disciplinary authority while taking into the fact that petitioner has been convicted and sentenced under the P.C.Act proceeded to invoke rule 7(A)(16) proviso 2 of Haryana Civil Services (Punishment and Appeal) Rules, 2016 read with Article 311(2) of the Constitution and proceeded to impose the penalty of

dismissal from service. Thus, the petitioner is aggrieved by the order of dismissal dated 12.04.2017.

2. Learned counsel for the petitioner submitted that disciplinary authority has not apprised various evidence which was in favour of the petitioner. At the same time, it was submitted that reasons have not been recorded so as to why disciplinary authority intends to impose the penalty of dismissal from service. Thus, there is violation of provisions of Article 311(2) read with 7(a) of Haryana Civil Services (Punishment and Appeal) Rules, 2016. Perused the order of dismissal dated 12.04.2017. Para 7 reads as under:-

“ Having duly examined the case, the undersigned, being competent authority is satisfied that the offence of demanding and accepting bribe by Sh. Balwan Singh, Assistant Labour Commissioner during the discharge of his official duties was an act of serious misconduct on his part. This was totally unbecoming of a Government servant. He committed an act of moral degradation as he was paid an adequate salary and other benefits for performing his official duties. Demanding and accepting bribe is a totally unacceptable and illegal. This act of demanding and accepting bribe by Sh. Balwan Singh has been duly proved by the Court of Additional Sessions Judge, Sonapat and he has been convicted for having committed these offences. The offences are of such a serious nature that no lenient view can be taken in his case. Therefore, it shall also not be in public interest to retain such a person in government service. Hence, Sh. Balwan Singh deserves the punishment of dismissal from service.”

The disciplinary authority after due consideration relating to the offences committed by the petitioner read with conviction order, has felt that demand and acceptance of illegal gratification is serious misconduct. Therefore, petitioner is unbecoming of a Government Servant. Thus, reasons have been assigned as to why penalty of dismissal is imposed. Decision of disciplinary authority is in terms of Article 311(2) of Constitution read with Rule 7(A) Haryana Civil Services (Punishment & Appeal), Rules, 2016. Hence petitioner has not made out a case so as to interfere with Annexure P8 dated 12.04.2017.

3. Accordingly, CWP stands dismissed.

02.06.2017

pooja saini

**(P.B.BAJANTHRI)
JUDGE**

Whether speaking/reasons

Yes/No

Whether Reportable:

Yes/No