

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

Civil Writ Petition No.18112 of 2017

Date of Decision: 17.08.2017

Harpal Singh

. . . Petitioner

Versus

State of Punjab and others

. . . Respondents

CORAM: HON'BLE MR. JUSTICE TEJINDER SINGH DHINDSA

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

Tejinder Singh Dhindsa, J. (Oral)

The petitioner, who was serving on the post of Bill Clerk in the office of Sub Divisional Magistrate, Khumano, has filed the instant writ petition assailing the order dated 13.11.2013 (Annexure P-15) passed by Deputy Commissioner, Fatehgarh Sahib, whereby his services have been dismissed and it has been recited that in future he shall not be eligible for any Government service.

Counsel for the petitioner has been heard at length.

In the first instance, this writ petition merits dismissal only on the ground of delay and laches. No justification has come forward to explain the inordinate delay of almost 4 years in approaching this Court. Even otherwise, the impugned order, would indicate that the petitioner

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was implicated in a criminal case registered by the Vigilance Bureau, Patiala in FIR No.4 dated 02.03.2010, under Sections 13 (1), 13 (2) of the Prevention of Corruption Act and Section 409 IPC. The precise allegations against the petitioner were as regards misappropriation of Rs.1,30,000/- meant for terrorists affected persons of the year 1984 and he having deposited the such amount in his own account.

The trial culminated in conviction at the hands of Special Judge, Fatehgarh Sahib, vide judgment dated 08.10.2013 for offences punishable under Sections 409, 465, 468, 471 IPC and Section 13 A-C of the Prevention of Corruption Act and the petitioner was sentenced as follows:-

1. **Under Section 409 IPC**

Rigorous imprisonment for 4 years and to pay a fine of Rs.10,000/- (Rs. Ten thousand only). In default thereof, further undergo rigorous imprisonment for one year.

2. **Under Section 465 IPC**

Rigorous imprisonment for 1 year.

3. **Under Section 468 IPC**

Rigorous imprisonment for 4 years and to pay a fine of Rs.10,000/- (Rs. Ten thousand only). In default thereof, further undergo rigorous imprisonment for one year.

4. **Under Section 471 IPC**

Rigorous imprisonment for 4 years and to pay a fine of Rs.10,000/- (Rs. Ten thousand only). In default thereof, further undergo rigorous imprisonment for one year.

5. **Under Section 13(1) (c) of Prevention of Corruption Act, 1988**

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Rigorous imprisonment for 4 years and to pay a fine of Rs.10,000/- (Rs. Ten thousand only). In default thereof, further undergo rigorous imprisonment for one year.

During the course of arguments, learned counsel admits that for the same very charges even departmental inquiry had been initiated and in which also the petitioner was indicted.

Impugned order would reveal that the same is based upon the conviction and after noticing the allegations against the petitioner, which stood duly proved. The allegations involve moral turpitude. Provisions of Article 311 (2) (A) and Rule 13 (i) and (ii) of the Punjab Civil Services (Punishment & Appeal) Rules 1970, having been resorted to, major penalty of dismissal has been awarded.

This Court does not find any patent infirmity or illegality in the impugned order.

There would be no scope of leniency against the backdrop of the allegations which stand duly proved in criminal proceedings as well as in departmental proceedings, after having adopted due process of law.

Writ petition stands dismissed.

[TEJINDER SINGH DHINDSA]
JUDGE

August 17, 2017
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Whether Speaking/reasoned	:	Yes/No
Whether Reportable	:	Yes/No