

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CWP No. 3580 of 2017 (O/M)
Date of decision : 16.3.2017

Geeta Rani Petitioner (s)

Versus

State of Punjab and another Respondent (s)

CORAM : HON'BLE MR. JUSTICE KULDIP SINGH

Present:- Mr. Dheeraj Mahajan, Advocate, for the petitioner.

1. Whether the Reporters of local newspaper may be allowed to see the judgment ?
2. To be referred to the Reporter or not.
3. Whether the judgment should be reported in the digest ?

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KULDIP SINGH J. (ORAL)

The petitioner claims that she alongwith two other persons, namely, Jai Gopal and Kewal Krishan was convicted by the learned Judicial Magistrate 1st Class, Batala, for offences punishable under Sections 409, 419, 420, 467, 468 and 471 IPC and was awarded various sentences, ranging from 1 year to 3 years alongwith fine, vide judgment of conviction and order of sentence dated 11.1.2016 (Annexure-P-1). On the basis of said conviction, the department, vide order endorsed on 14.3.2016 (Annexure-P-4), dismissed the petitioner from service under Rule 13.1 of the Punjab Civil Services (Punishment and Appeal) Rules, 1970, after dispensing with the inquiry. The learned counsel for the petitioner contends that now on the application of the petitioner, her conviction has been stayed by the learned Additional Sessions Judge, Gurdaspur, on 7.11.2016 (Annexure-P-2). Therefore, her dismissal order endorsed on 14.3.2016 (Annexure-P-4) is liable to be set aside. The learned counsel for the petitioner further

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contends that the dismissal order of co-accused of the petitioner has already been stayed by this Court, vide order dated 28.4.2016, passed in CWP-6417-2016, titled as Jai Gopal Versus State of Punjab and others.

It comes out that in the present case, the conviction of the petitioner has been stayed only on 7.11.2016 when the dismissal order was already passed. On account of subsequent circumstances, the dismissal order endorsed on 14.3.2016 (Annexure-P-4), from its face, can be called illegal. However, the stay of conviction is a ground for the department to re-consider the dismissal order.

In these circumstances, without issuing notice to the opposite party, the present writ petition is disposed of with liberty to the petitioner to make a representation to the punishing authority, bringing to its notice the changed circumstances i.e. stay of her conviction and pray for reviewing the order of dismissal endorsed on 14.3.2016 (Annexure-P-4). It is directed that if such a representation is made by the petitioner, the same shall be decided within two months from the date of receipt of certified copy of this order by passing a speaking order.

(KULDIP SINGH)
JUDGE

16.3.2017
sjks

Whether speaking / reasoned : Yes

Whether Reportable : No