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

**CM-8223-C-2011 in/and
RSA-2983-2011 (O&M)
Date of Decision : 30.11.2017**

Tarlok Singh

..... Appellant

Versus

State of Punjab and another

..... Respondents

CORAM : HON'BLE MR.JUSTICE AJAY TEWARI

Present : Mr. S.K. Sharma, Advocate
for the applicant-appellant.

Mr. H.S. Sitta, A.A.G., Punjab.

AJAY TEWARI, J. (ORAL)

CM-8223-C-2011

For the reasons recorded, the application is allowed.

Deficiency of court fee is made good.

RSA-2983-2011 (O&M)

This appeal has been filed against the concurrent judgments of the courts below dismissing the suit filed by the appellant.

The appellant was serving in the Education Department and he was convicted in two cases, one under Section 306 IPC and another under

Sections 302 IPC read with Sections 498-A and 34 IPC. Pursuant to that he

was terminated from service. The appellant challenged the termination order mainly on the ground that no notice was issued to him before the order of termination was passed. Both the courts below held that Rule 13 of the Punjab Civil Services (Punishment and Appeal) Rules was an exception to Rules 8, 9, 10, 11 and 12 and consequently held that his conduct of having been convicted under Section 302 IPC read with Section 498-A IPC would definitely come within the ambit of moral turpitude and thus held that the termination order was justified.

In my opinion, in the presence of Rule 13 of the Punjab Civil Services (Punishment and Appeal) Rules the argument that notice had to be given cannot be sustained.

Appeal is dismissed. No costs.

Since the main case has been decided, the pending Civil Misc. Application, if any, also stands disposed of.

November 30, 2017
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(AJAY TEWARI)
JUDGE

Whether speaking/reasoned - Yes/No

Whether reportable - Yes/No