

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

LPA No.1207 of 2017 (O&M)

Date of Decision :10.07.2017

Punjab State Power Corporation Ltd.
and others

....Appellants

Versus

Kulwant Singh

....Respondent

CORAM : HON'BLE MR.JUSTICE MAHESH GROVER
HON'BLE MR.JUSTICE RAJ SHEKHAR ATTRI

....

Present: Mr.Rajesh Bhardwaj, Advocate
for the appellants.

....

MAHESH GROVER, J. (Oral)

CM No.2515-LPA of 2017

Marginal delay of 3 days in filing the appeal is condoned.

C.M.stands allowed.

LPA No.1207 of 2017

This Appeal is directed against the judgment of the learned Single Judge dated 21.04.2017.

The respondent-employee suffered conviction in a criminal trial involving offences under Sections 323/324/326/34 IPC. He was released on probation for violating the law. His services in turn were dismissed solely on the basis of conviction. The learned Single Judge upset the dismissal order on the ground that there was no departmental inquiry before terminating the services of the

employee and the dismissal order passed solely on the basis of conviction was unsustainable.

Learned counsel for the appellants contends that inquiry was not necessary as there was no hon'ble acquittal, probation indicating conviction. There is absolutely no reason to differ with the findings recorded by the learned Single Judge considering that the settled law in this regard is that an employee's services cannot be terminated solely on the basis of conviction suffered by him and his conduct is the factor which has to be established in inquiry proceedings, more particularly when the offences against him do not involve moral turpitude.

No ground to interfere.

Dismissed.

(MAHESH GROVER)
JUDGE

10.07.2017
dss

(RAJ SHEKHAR ATTRI)
JUDGE

Whether speaking/reasoned	Yes/No
Whether reportable	Yes/No