

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

CWP-12335-2015

Date of Decision: 22.03.2018

Jitender Kaushik

... Petitioner

Vs.

Union of India and others

... Respondents

CORAM : HON'BLE MR. JUSTICE P.B. BAJANTHRI

Present : Mr. Lalit Rishi, Advocate for the petitioner.

Mr. Sunny Deep Juneja, Advocate for respondent No.1.

Mr. Umesh Narang, Advocate for respondent No.3.

Mr. Rohit Arya, A.A.G. Haryana.

P.B. BAJANTHRI J. (Oral)

In the instant petition, petitioner has challenged the cancellation of order of appointment to the post of Junior Technical Assistant vide memorandum dated 12.5.2015 (Annexure P-6).

2. Petitioner was appointed on 10.7.2014 and he had joined services on 25.7.2014. Thereafter, his services have been dispensed within a period of one week in view of non-disclosure of criminal proceedings in respect of FIR No.383 at column No.12-A in the attestation form which was filled by the petitioner on 24.07.2014. Undisputedly, petitioner was facing criminal proceedings in two cases registered vide FIR No.383 and FIR No.358. In both the FIRs, he has been acquitted on 2.5.2012 and 29.10.2014. As on filling up of attestation form on 24.7.2014, FIR No.358 was pending consideration, to that extent he has disclosed that such case was pending. Whereas against column No.12-A, even though, he has stated “Yes” but he has not disclosed the particulars of the FIR No.383 and so also acquittal on 2.5.2012 etc. No doubt petitioner has been acquitted in FIR

No.383 on 2.5.2012 but at the same time it was bounden duty of the petitioner to disclose events of the FIR No.383 and his acquittal against column No.12-A of attestation form in view of the instructions and warning issued in the attestation form. In view of these facts and circumstances, there is no infirmity in the order of cancellation of appointment with reference to the conduct of the petitioner in not disclosing with regard to FIR No.383 in which he has been acquitted against Column No.12-A of attestation form.

3. Accordingly, petition stands dismissed.

4. At this stage, learned counsel for the petitioner pointed out that his duty report was accepted and he had worked for few days but later on some authority has scratched the attendance mark of the petitioner and written that his joining report is not accepted. From the perusal of the attendance register, it is evident that petitioner has discharged the duties for some time. Therefore, respondents are hereby directed to pay salary for such of those days he has worked within a period of three months from today.

22.03.2018
rajeev

(P.B. Bajanthri)
Judge

Whether speaking/reasoned **Yes/No**

Whether reportable **Yes/No**