

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

CWP-19590-2013 (O&M)
Date of decision : 03.10.2018

Dalbir Singh

...Petitioner(s)

Versus

State of Punjab and others

...Respondent(s)

CORAM: HON'BLE MR. JUSTICE JITENDRA CHAUHAN

Present: Mr. AP Kaushal, Advocate,
for the petitioner.

Ms. Anju Arora, Addl.A.G., Punjab.

JITENDRA CHAUHAN, J.

Prayer in the instant petition is for quashing order dated 20.05.2008 (Annexure P-2), vide which the petitioner was discharged from the service and further for issuance of direction to the respondent to reinstate him on the post with all consequential benefits.

It is the case of the petitioner that he was enrolled as a Constable vide order dated 18.09.2006. After joining his duties, the petitioner successfully underwent police training and thereafter, had been discharging his official duties to the satisfaction of his seniors. However, on account of pendency of a criminal case against the petitioner, he was discharged from service without affording any opportunity of hearing. The petitioner already stands acquitted in the said criminal case bearing FIR No.58 of 2004 registered under Sections 457 and 380 of the Indian Penal Code (for short, 'the IPC'), vide judgment dated 05.08.2008 (Annexure P-3).

After having been acquitted, the petitioner made several representations before the respondents for reinstating him in service which were rejected vide order dated 29.05.2009 (Annexure P-4). To the contrary, a criminal case bearing FIR No.171 of 2009 under Section 420 IPC was got registered by the Department against the petitioner for concealing the fact regarding involvement of the petitioner in FIR No.58 (*ibid*) at the time of his recruitment/appointment. The petitioner was convicted in FIR No.171 (*ibid*) by the Court of learned Judicial Magistrate, 1st Class, Patiala vide judgment dated 05.10.2011 and sentenced to undergo rigorous imprisonment for a period of one year. However, the appeal preferred by the petitioner was accepted by court of learned Additional Sessions Judge, Patiala vide judgment dated 11.09.2012 (Annexure P-5), and he was acquitted of the charge framed against him. The petitioner again moved representation for reinstating him in service (Annexure P-6) but no action was taken thereon. Hence, the instant petition.

It is contended on behalf of the petitioner that once he has been acquitted in both the criminal cases, the Department ought to have reinstated him in service. The petitioner had been performing his duties honestly and efficiently, without any complaint against him. During the course of service, he was also rewarded by a Commendation Certificate, Class I. No opportunity of hearing was afforded to the petitioner before passing the impugned order. Moreover, there is no material on record to prove that the petitioner had concealed the factum of registration of the FIR against him as has been held in the judgment dated 11.09.2012 (Annexure P-5) passed by learned Additional Sessions Judge, Patiala.