

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CWP-1082-2018 (O&M)
Date of Decision:-19.01.2018.

Naresh Kumar

.....Petitioner

Versus

Union of India and another

.....Respondents

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

Present: Mr. Neeraj Sharma, Advocate for the petitioner.

P.B. BAJANTHRI, J. (Oral)

In the instant writ petition, petitioner has challenged the order of dismissal issued on 01.04.2008 (Annexure P-1). While he was working with the respondents, he was involved in a criminal case for the offences under Section 306 of the IPC for which he was convicted on 11.11.2003. Pursuant to the conviction order, petitioner was dismissed from service on 01.04.2008. Respondents have invoked Rule 13 of the Punjab Civil Services (Punishment & Appeal) Rules, 1970 (for short 'Rules, 1970') read with Article 311 (2) of the Constitution.

Learned counsel for the petitioner submitted that order of dismissal dated 01.04.2008 is without notice. Further it was submitted reasons are required to be recorded for the purpose of dispensing inquiry and so also for passing order under Rule 13 of Rules, 1970

Heard the learned counsel for the petitioner.

In the instant writ petition, petitioner has challenged the order

of dismissal dated 01.04.2008. There is a delay and laches on the part of the petitioner. Moreover, a detailed order has been passed by the disciplinary authority as to why inquiry need not be held to the extent that petitioner has been convicted for the offences under Section 306 of the IPC as on 01.04.2008. Therefore, there is no infirmity in the order of dismissal. Even as on this day, petitioner's conviction has been upheld in the criminal appeal. In view of these facts and circumstances, petitioner has not made out a case so as to interfere with the order passed by the disciplinary authority even on merits. In view of these facts and circumstances, petitioner has not made out a case so as to interfere with the order passed by the disciplinary authority dated 1.4.2008 (Annexure P-11). Accordingly, petition is dismissed.

Reserving liberty to the petitioner to the extent of claiming monetary benefits, if any in accordance with law, he may approach the competent authority. If petitioner apprised that even a dismissed employee is entitled to any monetary benefit, in that event competent authority may examine and pass suitable order and communicate the decision.

(P.B. BAJANTHRI)
JUDGE

January 19, 2018.

sandeep

Whether speaking/reasoned:-

Yes / No

Whether Reportable:-

Yes / No.