

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH.

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CWP No.11219 of 2018 (O & M)
Date of Decision: September 19, 2018

Daljit Singh

.....PETITIONER(s).

VERSUS

State of Punjab and others

....RESPONDENT(s).

CORAM:- HON'BLE MR. JUSTICE JASWANT SINGH

Present: Mr. Sanjeev Kumar Bawa, Advocate
for the petitioner.

Mrs. Anu Chatrath Kapoor, Addl. AG, Punjab.

JASWANT SINGH, J. (ORAL)

The petitioner competed for 527 posts of Warders advertised in the year 2011. The petitioner belongs to the general category and on the basis of his merit, was issued an appointment letter dated 07.12.2017 (Annexure P-3). The petitioner was required to join within 15 days, failing which his candidature was liable to be cancelled. Since the petitioner did not join within the stipulated time, his appointment letter was cancelled vide impugned order dated 12.03.2018 (Annexure P-1). Hence, the present writ petition.

Learned counsel for the petitioner has argued that his client vide his application dated 16.12.2017 (Annexure P-4) applied to the Government for grant of sanction under Sub-Para (2) of Para 189 of the Punjab Jail Manual, 1996 in view of he having undergone imprisonment upon conviction for an offence under Section 323, 325, 341 IPC read with Section 148 and 149 IPC. It is urged that till the sanction was granted, his appointment letter could not be withdrawn.

Learned counsel for the State by referring to contents of the reply submits that the said clause of the 1996 Manual relates only to employees, who can seek sanction in view of any previous conviction in order to enable them to join fresh employment. The same is not applicable to the case of the petitioner. She further submits that the petitioner in the light of his conviction on 06.09.2014 and sentence of one year imprisonment duly upheld by this Court while reducing the sentence to five months, is not entitled to be appointed in the light of the terms and conditions of the appointment letter.

After scrutinizing the arguments of the learned counsel for the parties and pleadings, this Court finds that the present writ petition is totally devoid of any merit. Firstly, the petitioner has conceded the factum of registration of FIR No.43 dated 27.06.2009 under Sections 325, 323, 341, 506, 148 and 149 IPC before applying to the post of Jail Warder in the year 2011. Secondly, in view of his conviction and sentence, he could not be offered appointment in terms of Clause 10 of the appointment letter specifically prohibiting the appointment of such like employees. Even otherwise, in service jurisprudence convicted employee is not entitled to be retained in service and lastly, the case built up on Para 189 sub para (2) of the Punjab Jail Manuals, 1996, on close examination reveals that the same does not cover the case of the petitioner.

In view of the above, no ground for interference is made out.

Dismissed.

(JASWANT SINGH)
JUDGE

September 19, 2018
A.Kaundal

Whether speaking/reasoned: Yes/No
Whether Reportable: Yes/No