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

CWP No.8250 of 2010 (O&M)

Date of decision: October 26, 2018

Kamal Varinder

.....Petitioner

Versus

State of Punjab and others

....Respondents

**CORAM: HON'BLE MR. JUSTICE A.B. CHAUDHARI
HON'BLE MR. JUSTICE KULDIP SINGH**

Present: Mr. Akshay Bhan, Senior Advocate with
Mr. Gurinder Singh, Advocate for the petitioner.

Mr. Gaurav Chopra, Advocate for respondent No.3.

Ms. Anju Arora, Additional AG Punjab.

A.B. CHAUDHARI, J

The present petitioner-Ms. Kamal Varinder has put to challenge the order dated 17.12.2009 (Annexure P-4) whereby her services as a member of PCS (Judicial Branch)/JM, Phagwara have been dispensed with and has prayed for reinstatement with all consequential benefits.

FACTS

2. The petitioner was appointed on 26.10.2006 (Annexure P-1) and joined her services as a Civil Judge-cum-Judicial Magistrate, on 08.12.2006 pursuant to the said appointment order. After mandatory training, she was granted B+ final grade and she started performing her duties in various district courts, namely Ropar and Phagwara. There was no complaint against her about her work and duties.

3. On 03.12.2009, when the petitioner was working as a Civil Judge-cum-Judicial Magistrate, an explanation was sought from her by respondent No.3 that a complaint was made by Navpreet Sandhu, wife of Anantdeep Singh against the petitioner that she was trying to interfere with the matrimonial life of Navpreet Sandhu and Anantdeep Singh and that she had illicit relationship with Anantdeep Singh. Suddenly, on 07.12.2009 (Annexure P-1B), the petitioner's work was withdrawn. The petitioner was shocked and as such made representation on 14.12.2009 to the High Court in which she stated that false and frivolous allegations were leveled against her by Navpreet Sandhu when she had nothing to do with their matrimonial dispute. The petitioner was unnecessarily roped in and made to suffer on account of alleged matrimonial dispute between Navpreet Sandhu and Anantdeep Singh in the absence of any specific allegations and on her bald statement. Not only that, it came to her notice that Navpreet Sandhu and Anantdeep Singh had resolved their matrimonial dispute by withdrawing all the proceedings and complaints and so also the divorce petition. But the petitioner was made scapegoat for no reasons. On 24.12.2009, the petitioner was served with the order dated 17.12.2009 dispensing with her services with immediate effect on the ground that she had failed to clear her probation period satisfactorily. The petitioner's performance and work was very good and with utmost integrity and honesty. That was clear from the fact that her ACR for the year 2008-2009 was B+ good so also the quality of the judgments and the work. The petitioner decided large number of cases and there was no

reason for dispensing with her services on such a hoax. There is no male member in her family since her father and younger brother had already expired and she has ten years old daughter and has to look after her mother suffering from cancer.

ARGUMENTS

4. In support of the petition, learned Senior counsel for the petitioner vehemently argued that in fact, the petitioner-Kamal Varinder was the victim of the dispute between the other male judicial officer Anantdeep Singh and his wife, which was their matrimonial dispute which eventually they had resolved also. But then fact remains that their dispute affected the petitioner in that her services were dispensed with on fabricated ground and false allegations that she had illicit relationship with Anantdeep Singh. Apart from the fact that petitioner had denied the vague allegations, there was no even remote evidence. Learned Senior counsel for the petitioner then submitted that the material before the committee did not at all show anything against the petitioner about her alleged illicit relationship. The petitioner was working under the District Judge, Kapurthala and admittedly, no report from the District Judge, Kapurthala about her work and conduct or the said aspect was ever called or seen. No explanation from the petitioner was sought in the matter regarding the dispute between third party Anantdeep Singh and his wife. Learned Senior counsel, therefore, submitted that there is miscarriage of justice caused to the petitioner for no reasons. Anantdeep Singh might have been discharged from service for whatever reasons seen by the High Court, but

in so far as the present petitioner is concerned, there was no iota of even the basic evidence or allegation anywhere. Hence, the petition deserves to be allowed.

5. *Per contra*, learned counsel for the respondents submitted that the review committee took a conscious decision having found that the petitioner and Anantdeep Singh's conduct was unbecoming of judicial officer. Not only that, this Court has now dismissed the petition of Anantdeep Singh having found his conduct to be unbecoming, vide CWP No.9003 of 2010, decided on 25.10.2018. Hence, they prayed for dismissal of the writ petition.

CONSIDERATION

6. We have heard learned counsel for the rival parties at length. We have perused the original record of the High Court produced in a sealed cover. At the outset, we find that the case of the present petitioner-Kamal Varinder was dealt along with the case of Anantdeep Singh and due to the same, there was obvious conundrum and the petitioner became scapegoat for no fault of her. In order to buttress the above statement, we proceed to give our reasons.

7. The proceedings started because Anantdeep Singh, the petitioner in CWP No.9003 of 2010 working under the District and Sessions Judge, Faridkot was found to have misconducted as stated in two reports sent by the District and Sessions Judge, Faridkot, the one dated 20.05.2009 and the other dated 02.12.2009. The District and Sessions Judge, Faridkot had stated that mother-in-law as well as the wife of

Anantdeep Singh had made allegations that Anantdeep Singh had extra-marital affair with a lady judicial officer of Punjab. But, the name of the petitioner was never mentioned anywhere. Then the District and Sessions Judge, Faridkot recorded the statement of Navpreet Sandhu, the wife of Anantdeep Singh. The substance of her statement in the letter dated 02.12.2009 of the District and Sessions Judge, Faridkot, reads thus:-

“.....Today I have recorded the statement of Smt. Navpreet Sandhu wife of Mr. Anantdeep Singh (original statement is enclosed) in which she has deposed these facts in detail. She has stated that on 23rd November, 2008, she came from Patiala from her in laws house to reside at Moga. On that day Mr. Anantdeep Singh gave beating and asked her why she had come here and told her to leave. On 24th November at 11 A.M. she received a telephone from Kamal Varinder Judicial Officer posted at Phagwara who also gave threats to her why she was in her (Kamal Varinder) house and what she was doing in her (Kamal Varinder) bed room. She also told that servant Harish and other persons told her that Kamal Varinder used to visit Moga and stay with Mr. Anantdeep Singh.....”

8. The above statement of Navpreet Sandhu shows her perception about the present petitioner-Kamal Varinder. We have seen her statement (Annexure P-31 in CWP No.9003 of 2010). Qua, this petitioner, she stated:-

“I received a telephonic call from Kamal Varinder as to what I was doing at her house and bed room. Harish and my neighbourers (none examined) told me that Kamal Varinder used to come here and stay with the judge.

Anantdeep and Kamal Varinder have illicit relations and therefore he used to give beating and harass me.”

At the outset, we are at a loss to find even remote evidence about any illicit relationship from the above except use of the word “illicit relations”. That apart, her mere statement/perception like a gospel truth could not be acted upon to throw the petitioner out of service. That was totally unjust. The District and Sessions Judge, Faridkot also casually, in last paragraph of said report, stated thus:-

“.....The statement of Smt. Navpreet Sandhu clearly shows that Mr. Anantdeep Singh has illicit relations with Ms. Kamal Varinder Judicial Officer posted at Phagwara and due to which he used to harass his wife Smt. Navpreet Sandhu. She has also specifically stated that she used to receive phone from Kamal Varinder asking her what she was doing in her bed room which also shows their relations.....”

9. In other words, it was only the statement of Navpreet Sandhu, the wife of Anantdeep Singh, who had made the said allegations. Perusal of the statement of Navpreet Sandhu and the report of the District and Sessions Judge, Faridkot nowhere shows a single specific instance or evidence or even the remote evidence to support her allegation of illicit relationship of the petitioner with Anantdeep Singh. The District and Sessions Judge, Faridkot also, in concluding paragraph of the said report, stated that because Navpreet Sandhu stated so, therefore, there was indication of illicit relationships. We cannot countenance such a fanciful and baseless conclusion by the District and Sessions Judge, Faridkot, on the bald statement made by Navpreet Sandhu, all the more so as the

petitioner was not working under him.

10. That apart, it is then significant to note that the present petitioner-Kamal Varinder was never working under the District and Sessions Judge, Faridkot nor he had any occasion to verify anything from her. On what basis, he could draw such a damaging conclusion! To put in other words, the District and Sessions Judge, Kapurthala under whom the petitioner was working was never called upon to give any report about her. The petitioner-Kamal Varinder was not working at the relevant time under the District and Sessions Judge, Faridkot. We, therefore, do not think that the District and Sessions Judge, Faridkot was competent to make any adverse comment about the present petitioner, who was not working under him. Even otherwise, before drawing any conclusion, it was necessary for the High Court to have obtained report from the District and Sessions Judge, Kapurthala under whom the present petitioner was working. That was never done. However, reports from the District and Sessions Judge, Faridkot were placed before the committee and thereafter, further proceedings were undertaken. It is then significant to note that the statement of the petitioner-Kamal Varinder was recorded by the District and Sessions Judge, Kapurthala. We quote the said statement as under:-

(extracts from Annexure P-32 with CWP No.9033 of 2010)

“Statement of Miss Kamal Varinder, Civil Judge (Junior Division) Phagwara, District Kapurthala age 35 years on S.A.

...

(The statement dated 2.12.2009 of Smt. Navpreet Sandhu has been brought to the notice of Miss Kamal

Varinder. She has been confronted with the entire statement. After that her statement has been recorded).

On S.A.

The allegations levelled against me by Navpreet Sandhu are totally wrong and false as I never called her up to threaten her in any way or manner, nor, even I know her telephone number. I also do not know the address of Sh. Anantdeep Singh C.J. (J.D.), so, I have never visited him and stayed in his residence.

I had never any such type of conversation with Anantdeep that I shall involve him in a rape case.

The only reason of her filing false complaints against me is to tarnish my reputation, as, four five months back she had threatened me on the phone that she will not let me remain in the job and shall throw me out of the job by levelling one or the other charge.

No doubt myself and Sh. Anantdeep Singh are very good friends but she has not the patient to tolerate our friendship.

R.O.A.C.

Sd/- Kamal Varinder

Sd/- M.S. Viridi

*Distt. Judge, Kapurthala
2.12.2009”*

11. It is clear from the above statement of Kamal Varinder that she had stoutly denied the vague allegations made by Navpreet Sandhu, the wife of Anantdeep Singh. We do not find any reason to ignore her specific denial as stated above. It was dangerous to rely on vague statement of Navpreet Sandhu, which was in the nature of damaging the character of the present petitioner so also her career in judiciary for no fault of her and merely because somebody made vague and unsubstantiated allegations about alleged illicit relationship.

12. Apart from the above, we then find from the proceedings of the committee about the work and conduct of the probationers. We quote the same, which reads thus:-

(extracts from Annexure P-29 with CWP No.9033 of 2010)

“Re: Review of work and conduct of probationers of PCS (JB) Officers and their clearance of probation period.

In continuation of proceedings dated 1.12.2009, the Committee perused report of District & Sessions Judge, Faridkot dated 2.12.2009 and statement of Mrs. Kamal Varinder, Civil Judge (Jr. Divin) Phagwara dated 2.12.2009 forwarded by District & Sessions Judge, Kapurthala. Hon'ble Mr. Justice Rajesh Bindal did not participate in proceedings on the issue of Shri Anantdeep Singh and Ms. Kamal Varinder as he had dealt with the matter on administrative side.

From the report of the District & Sessions Judge, Faridkot dated 2.12.2009, the lady Judicial Officer not named but referred to in the earlier report of District & Sessions Judge, Faridkot dated 20.05.2009 has been identified to be Ms. Kamal Varinder.

Having regard to the reports of District & Sessions Judge, Faridkot dated 20.5.2009 and 2.12.2009 and observations of Hon'ble Mr. Justice T.P.S. Mann dated 1.12.2009, the Committee is of the view that Shri Anantdeep Singh and Ms. Kamal Varinder are not fit to be retained in service. Their services be terminated by order of termination simpliciter in accordance with the rules.”

13. Perusal of the above report, in so far as the present petitioner-Kamal Varinder is concerned, only stated that the petitioner's statement was recorded on 02.12.2009 forwarded by the District and Sessions Judge, Kapurthala. But there is nothing whether the same was acceptable or not.

In second paragraph of the minutes of the meeting, it is stated that the District and Sessions Judge, Faridkot identified the petitioner as the lady judicial officer. As already stated, the petitioner was never working under the District and Sessions Judge, Faridkot. Similar is the case with the last paragraph of the minutes of the committee, where it is abruptly decided that the petitioner is not fit to be retained in service along with Anantdeep Singh.

14. To sum up, the services of the petitioner were dispensed with merely because committee decided to dispense with the services of Anantdeep Singh for his conduct during his probation period. Similarly is the case with Full Court, which decided to dispense with the services of the petitioner-Kamal Varinder. The relevant portion reads as under:-

(extracts from Annexure P-30 with CWP No.9033 of 2010)

“Extract from the proceedings of the 17th Full Court meeting of Hon'ble Judges of the year 200, held on Monday, the 7th day of December, 2009 at 1.20 P.M.

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The matter regarding report dated 4.12.2009 of Review of Work and Conduct of Probationer Judicial Officers Committee comprising of Hon'ble Mr. Justice A.K. Goel and Hon'ble Mr. Justice K.C. Puri in the matter regarding review of work and conduct of probationer of PCS (JB) officers and their clearance of probation period was considered along with the note of Registrar general and it was resolved that the report of the Hon'ble Committee be accepted to the extent that the services of Shri Anantdeep Singh and Ms. Kamal Varinder, members of PCS (JB) be terminated by order of termination simpliciter while consideration of the report regarding the confirmation of the remaining officers be

deferred. It was further resolved that recommendation be made to the Punjab Government to dispense with the services of Shri Anantdeep Singh and Ms. Kamal Varinder members of PCS (JB) with immediate effect as they have failed to satisfactorily clear the period of probation.

It was also resolved that work of Shri Anantdeep Singh and Ms. Kamal Varinder be withdrawn forthwith.

(Hon'ble Mr. Justice Rajesh Bindal did not participate when this item was taken up)”

15. In so far as Anantdeep Singh is concerned, we have dismissed the writ petition filed by Anantdeep Singh by making independent assessment of evidence against him.

16. In so far as the present petitioner-Kamal Varinder is concerned, by making independent assessment about her, it is clear that the review committee as well as Full Court went by the decision in respect of Anantdeep Singh and roped in the petitioner Kamal Varinder without any rhyme or reason and without considering that she had nothing to do with Anantdeep Singh, whose petition we have already dismissed. It is significant to note that Anantdeep Singh and his wife withdrew all their disputes and divorce petition from the Court on 10.12.2009, but then the petitioner remained a scapegoat. This Court cannot allow such a mistake to perpetrate and therefore, her petition must be allowed. In the result, we make the following order:-

ORDER

- (i) **CWP No.8250 of 2010** is allowed;
- (ii) The impugned order dated 17.12.2009 (Annexure P-4) dispensing with services of the petitioner-Kamal Varinder is

quashed and set aside;

- (iii) The petitioner shall be entitled to continuity in service for the purpose of seniority, service benefits etc.;
- (iv) The prayer for grant of backwages from the date of dispensing with services is declined;
- (v) Costs made easy.

(A.B. CHAUDHARI)
JUDGE

(KULDIP SINGH)
JUDGE

October 26, 2018

mahavir

Whether speaking/ reasoned: **Yes**

Whether Reportable: **Yes**