

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

CWP-20011-2014

Date of decision: 27.8.2018

Avtar Singh

...Petitioner

Versus

Shiromani Gurudwara Prabandhak Committee, Sri Amritsar and others

...Respondents

**CORAM: HON'BLE MR.JUSTICE JITENDRA CHAUHAN**

Present: Mr.BS Randhawa, Advocate for the petitioner

Mr.SS Mattewal, Advocate for respondent Nos. 1 to 3

None for respondent Nos.4 to 7

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**JITENDRA CHAUHAN, J.**

The petitioner seeks issuance of a writ in the nature of mandamus directing respondent Nos. 1 to 3 to reinstate him in service and further issuance of a writ in the nature of certiorari quashing the order dated 20.11.2012 (Annexure P-3) passed by respondent no.2- Secretary Shiromani Gurudwara Prabandhak Committee (for short 'SGPC'), Sri Amritsar Sahib, whereby the services of the petitioner were terminated and the order of dismissal of the appeal by the appellate authority, communicated to the petitioner vide letter dated 11.4.2014 (Annexure P-9).

The petitioner was appointed as Sewadar on 3.1.1995 at Tatkhath Sri Kesgarh Sahib, Sri Anandpur Sahib and he worked as such for 16 years to the satisfaction of his superiors. On 11.3.2011 the petitioner was placed under suspension for allegedly misappropriating an amount of

Rs.8900/- out of Rs.11000/- and for not keeping the carbon copy of the receipt issued by him. Thereafter, he was charge sheeted on 19.7.2011, after lapse of a period of four months in contravention of Rule 3(d) of the SGPC Service Rules, which stipulates that a suspended employee should be charge sheeted within 15 days and reply should be furnished within a week thereafter by the employee.

Learned counsel for the petitioner submits that the case of the petitioner was decided after one year and eight months without conducting a proper enquiry and as such, the termination order dated 20.11.2012 (Annexure P-3) is bad in law. The appeal preferred by the petitioner was also rejected without appreciating the facts and circumstances of the case. It is further asserted that co-employees of the petitioner, who were suspended on different allegations, have been reinstated in service after due admonition or on payment of fine. The petitioner filed supplementary appeal (Annexure P-6) with a request to treat the petitioner at par with other co-employees, but no decision thereon was taken. Thereafter, on 18.12.2013 the petitioner filed CWP-28187-2013, which was disposed of vide order dated 19.12.2013 (Annexure P-8) with directions to the appellate authority to decide the appeal filed by the petitioner expeditiously after taking into consideration all the relevant factors. The respondents dismissed the appeal of the petitioner, which was communicated to him by respondent No.2 vide letter dated 11.4.2014 (Annexure P-9).

On the other hand, learned counsel for respondent Nos. 1 to 3 submits that the petitioner misappropriated the funds of Sri Akhand Paths

and after proper enquiry, he was found guilty, on the basis of which, his services were rightly terminated.

Heard.

As per record, the petitioner had issued receipt No. 38201 dated 5.3.2011 of Rs.11000/- for langar and building to S.Ramandeep Singh s/o S. Rajinder Singh, r/o 134, Narang Colony, New Delhi without retaining the carbon copy and against which issued a fake receipt of Rs.2100/- in the name of Baldev Singh s/o Sher Singh r/o Nawanshahar.

The petitioner was charge sheeted on 19.7.2011. He filed reply to the same, which was found to be unsatisfactory. An inquiry committee was constituted on behalf of respondent No.1. Bhupinder Singh, guide, Takhat Sri Keshgarh Sahib and Ranbir Singh, Addl. Manager, Takhat Sri Keshgarh Sahib were examined, who categorically stated that the petitioner was given sufficient opportunity to cross-examined all the witnesses. He was also given opportunity to produce evidence. The petitioner had also confessed the charge in writing. In view of the enquiry report, wherein the petitioner was found guilty, his services were terminated vide order 20.11.2012 (Annexure P-3).

It has also come on record that apart from the charge sheet issued to the petitioner, he was also found doing Akahand Path without permission from the respondent. As per the service record, fine was imposed on the petitioner on two occasions; a sum of Rs.50/- on 20.7.1996, for allegedly performing Akhand Path without the permission of the authorities and secondly a sum of Rs.100/- on 16.8.2005 for usurping 2.5 quintals of

wheat and 15 kgs of paddy stored in Gurudwara Shishgang Sahib. The petitioner did not mend his ways and instead of improving himself embezzled Rs.8900/- by forging the receipt. By doing so the petitioner tarnished the esteemed reputation of the Gurudwara Administration.

The petitioner cannot derive any benefit of Rule 3(d) of SGPC Service Rules since as per Rule 3(c) *ibid*, an employee is entitled to suspension allowance till the date of decision of enquiry of suspended employee and the Court feels that the petitioner rightly remained under suspension till the conclusion of the enquiry. The case of the petitioner is distinguishable on facts from the case of his co-employees, who were working in different capacity and as such, the petitioner cannot claim parity with his co-employees.

Annexure R-1 is the copy of the confession dated 6.3.2011 of the petitioner, which reads as under:-

“Sir,

It is submitted that yesterday i.e. On 5/3/11, Ramandeep Singh s/o Rajinder Singh r/o 134, Narang Colony New Delhi came to me in the office of Akhand Paths for issuance of receipt of donation. He gave me Rs.10,000/- for issuance of receipt on account of langer and building. I forget to keep the carbon paper on the receipt book of Akhand Paths. I have issued him the receipt. When afterward I check the receipt book, greed came in my mind, then I issued the forged counter receipt Rs.2100/-.

I have committed the mistake. So kindly pardon me.

Thanking you.

Yours sincerely

Avtar Singh Helper

6/3/11

Takhat Shri Keshgarh Sahib”

Considering the track record of the petitioner coupled with the confession Annexure R-1 and enquiry report, which was conducted after affording proper opportunity of hearing to the petitioner, no fault can be found with the approach of respondent Nos. 1 and 2 in terminating the services of the petitioner. The punishment inflicted upon the petitioner by the respondent authorities commensurates with the irregularities and illegalities committed by him. The petitioner does not deserve any compassion or leniency.

In view of the above, there being no merit in the present writ petition, the same is hereby dismissed.

27.8.2018

gsv

**(JITENDRA CHAUHAN)**  
**JUDGE**

**Whether speaking / reasoned?**

**Yes / No**

**Whether reportable?**

**Yes / No**