

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

Sr. No.120

**Civil Writ Petition No.16894 of 2018
DECIDED ON: July 13, 2018**

SUKHJINDER SINGH @ SUKHWINDER SINGH

..PETITIONER

VERSUS

STATE OF PUNJAB AND ANOTHER

...RESPONDENTS

CORAM: HON'BLE MR. JUSTICE JASPAL SINGH

Present: Ms. Ginnijeet Malhotra, Advocate,
for the petitioner.

JASPAL SINGH, J.

By virtue of the instant civil writ petition preferred under Article 226/227 of the Constitution of India, petitioner has sought issuance of a writ especially in the nature of mandamus directing the respondents to consider his representation dated 05.12.2017 (P-5) and to release his pensionary benefits including Provident Fund.

2. The contention of learned counsel for the petitioner is that petitioner was dismissed from service vide order dated 16.12.2016 (P-2) since the petitioner has served about 25 years, thus after the dismissal of his service, he has claimed the retiral benefits and GPF etc. However, a close scrutiny of the file transpires that petitioner faced the trial bearing FIR

No.06, dated 14.03.2014, under Sections 467, 468, 471, 120-B IPC and 13

(1) read with 13(2) of P.C. Act, registered at Police Station Wab, Ferozepur.

Ultimately he was convicted and sentenced by the learned Addl. Chief Judicial Magistrate, Moga, vide judgment of conviction and order of sentence dated 03.08.2016, which is read as under:-

<i>Sr. No.</i>	<i>Offence</i>	<i>Imprisonment</i>	<i>Fine</i>	<i>In default of payment of fine</i>
1	468 IPC	R.I. for two years	Rs.10,000/-	R.I. for four months
2	471 IPC	R.I. for two years	---	---

Both the sentences were directed to run concurrently.

3. He got the service on the basis of forged and fabricated certificate of Matriculation in the aforesaid case. He was held guilty, convicted and sentenced. Until and unless, petitioner does not challenge the order dated 16.12.2016 (P-2), it would not be desirable simply to give a direction to the respondents to dispose of representation dated 05.12.2017 (P-5) preferred by him before The Director, Land Records, Punjab.

4. In the aforesaid facts and circumstances, this Court does not find any merit in the instant petition, same is dismissed. However, petitioner shall be at liberty to have recourse to the other remedies available under law including challenge to the order dated 16.12.2016 (P-2), if so desires.

July 13, 2018
Ankur

(JASPAL SINGH)
JUDGE

Whether speaking/reasoned	Yes
Whether reportable	Yes/No