

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

**CWP-24103-2016(O&M)
Date of decision : 24.07.2018**

Pargat Singh and another

...Petitioner(s)

Versus

Shiromani Gurudwara Prabandhak Committee
and others

...Respondent(s)

CORAM: HON'BLE MR. JUSTICE JITENDRA CHAUHAN

Present: Mr. G.S. Bal, Sr. Advocate,
with Mr. A.D.S. Bal, Advocate,
for the petitioner(s).

Mr. S.S. Mattewal, Advocate,
for the respondents.

JITENDRA CHAUHAN, J.

By way of filing the instant writ petition under Articles 226/227 of the Constitution of India, the petitioners seek quashing of impugned charge sheets and termination order dated 18.05.2016 (Annexure P-9).

Petitioners were working with respondent No.1 as Manager and Helper, respectively and posted at Gurudwara Patshahi Chhevin, Chhehratta, Amritsar. It has been alleged that on the intervening night of 31.03.2010 and 01.04.2010, the petitioners were caught in a compromising position in an under-construction house. At that time, petitioner No.1 was under the influence of liquor. They were taken to Police Station, Kot Hakima by the police where they made a confession.

On these allegations, the petitioners were suspended and

separate charge-sheets (Annexures P-1 and P-2, respectively), were served upon them. After inquiry, the services of the petitioners were terminated vide order dated 17.06.2011 (Annexure P-5). Feeling aggrieved, the petitioners filed CWP No.17924 of 2011, wherein, this Court, vide judgment dated 16.12.2014 (Annexure P-6), set aside the termination order (Annexure P-5) on the ground that the alleged confessions having been made while in police custody are liable to be discarded. However, the respondents were given liberty to proceed with the enquiry from the stage of issuance of charge-sheets to the petitioners. Upon completion of said enquiry, the petitioners were again dismissed from service vide impugned order dated 18.05.2016 (Annexure P-9).

Learned Senior counsel appearing on behalf of the petitioners contends that except the alleged confessional statements recorded while in police custody, which have no evidentiary value, there is no evidence on record against the petitioners. In fact, when petitioner Pargat Singh had gone to his under-construction house situated in village Fatahpur near Amritsar on 31.03.2010, four-five persons led by Subedar Sewa Singh, encircled and overpowered him. He was made to lie down on the ground and forcibly poured liquor contained in a bottle in his mouth. Thereafter, a police party was summoned by them. Petitioner No.2, who was working under petitioner No.1 was also brought on the spot and thereafter, both the petitioners were taken to Police Station, Kot Hakima. Thereafter, they were taken for medical examination.

On the other hand, learned counsel for the respondents contends that the petitioners were indulging in illicit sexual relationship and

were caught in a compromising position. As per the report of the Chemical Examiner, petitioner No.1 is proved to have been under the influence of liquor at the relevant time. The act and conduct of the petitioners amount to violation of Amrit and Rahat Maryada, which are sacred and integral part of Sikhism.

Heard.

In the instant case, except the confessional statement of the petitioners recorded while they were in police custody, there is no material on record to prove that they were caught red-handed while in compromising position. No person who might have been present on the spot when the petitioners were allegedly caught red-handed, has been produced by the respondents. During the regular enquiry, the petitioners were given an opportunity to cross-examine Sakatter Singh and Jitender Singh, wherein, both the witnesses stated that they themselves did not catch them from the spot but took action on the basis of the statements made by the petitioners on the spot thereby admitting their illicit relations. It has also been brought to the notice of the Court that proceedings in DDR No.3 dated 01.04.2010 under Section 109 Cr.P.C. recorded with regard to the alleged incident have also been closed by the police. One of the complainants, Jasbir Singh, has also sworn an affidavit dated 09.09.2011 to the effect that the petitioners have been falsely implicated. Similarly, Subedar Sewa Singh, vide his letter dated 12.06.2015, admitted false implication of the petitioners (Annexure P-10), Therefore, the allegations with regard to the petitioners having indulged in illicit sexual activity have not been established.

However, the allegation that petitioner No.1 was caught under

the influence of liquor stands duly proved from the perusal of report of the Chemical Examiner dated 04.05.2010, to the effect that Ethyl Alcohol was detected in the blood and urine samples of petitioner No.1. The Court feels that the story put forth by petitioner No.1 with regard to forcible administration of liquor by Subedar Sewa Singh and others cannot be accepted as there is no injury on his person and he did not lodge any complaint with regard to the said act with any authority of the SGPC or the State. The act of consumption of liquor is against *Sikh Maryada* as well as the Service Rules of the SGPC, which cannot be condoned. Similar view has been taken by a Division Bench of this Court in ***Mahavir Singh vs. Shiromani Gurdwara Parbandhak Committee*** (LPA No.640 of 2014 decided on 13.08.2014) while holding thus:-

“....It is pertinent to mention here that as per the Service Rules of the SGPC and the guidelines issued from time to time, consumption of liquor is a disqualification for a person to seek employment with the SGPC. The consumption of liquor is also against Sikh Maryada. All these factors have been taken into consideration by the learned Single Judge while passing the impugned order.”

So far as petitioner No.2-Ranjit Kaur is concerned, except the bald allegation that she was caught in compromising position with petitioner No.1 and her alleged confession before the police, there is no material on record on the basis of which the impugned order can sustain. The case of the respondents is further dented by the statements of eye-witnesses Sakatar

Singh and Jitender Singh.

As a sequel of the above discussion, the instant writ petition qua petitioner No.1 is hereby dismissed, whereas, it is allowed qua petitioner No.2. Impugned chargesheet (Annexure P-2) and all consequential proceedings arising therefrom, including impugned order of termination (Annexure P-9) qua petitioner No.2, are, hereby, set aside.

Petitioner No.2 is also free, if so advised, to launch appropriate proceedings against the complainant(s), as per law.

24.07.2018
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(JITENDRA CHAUHAN)
JUDGE

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