

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

CWP 18843/2018

Date of decision:01.08.2018

Bhagwan Dass

.....Petitioner

v.

State of Punjab and others

.....Respondents

Coram: Hon'ble Mr.Justice Jaswant Singh

Present:- Mr.Saurabh Arora,Advocate for the petitioner.

Jaswant Singh,J,(Oral).

Petitioner by way of instant writ petition is seeking a writ in the nature of certiorari for quashing order dated 17.7.2017(P-2), order dated 7.8.2017 (P-4) and order dated 10.11.2017 (P-4C).

Undisputed facts are that petitioner was appointed as a Clerk in District Consumer Disputes Redressal Forum-Nawanshahar-respondent no.2) on 23.6.2015 with a probation period of two years. He joined as such on 20.7.2015. FIR No.0289 dated 30.12.2016 under Sections 419 IPC was registered against the petitioner and his wife. Vide order dated 17.7.2017 (P-2) extension period of petitioner was extended for further one year upto 19.7.2018 on account of registration of said FIR. Thereafter, vide order dated 7.8.2017 (P-4) services of the petitioner were terminated. He preferred an appeal which was dismissed vide order dated 10.11.2014 (P-4C). Hence the present petition seeking quashing of aforesaid orders.

Heard learned counsel for the petitioner.

It is submitted that before termination of his services, no show cause notice, charge sheet etc. was served upon the petitioner.

After hearing the learned counsel I am of the considered opinion that no case for invoking writ jurisdiction is made out.

It is not disputed that the petitioner was still under probation when the FIR in question was registered against him and his wife.

A perusal of the FIR in question reveals that petitioner-Bhagwan Dass was appointed as Clerk in District Consumers Disputes Redressal Forum, SBS Nagar. Vacancy for the post of Clerk arose in District Consumer Disputes Redressal Forum Bathinda and was advertised. In response to the advertisement, petitioner-Bhagwan Dass, without applying through proper channel/obtaining prior permission from his employer i.e. District Consumers Disputes Redressal Forum, SBS Nagar applied for the said post of Clerk in District Consumers Disputes Redressal Forum, Bathinda, although concededly he belongs to SBS Nagar. Along with him, his wife Kanwaljit Kaur also applied for the said post at Bathinda. This all was done by petitioner with evil design of getting his wife selected as Clerk in District Consumers Disputes Redressal Forum, Bathinda. In furtherance of his said plan, he appeared/undertook typing test for filling up one post of Clerk in the District Consumer Forum, Bathinda. However, he typed/saved the text matter in the name of Kanwaljit Kaur d/o Parkash Singh (his wife). Initial inquiries revealed that address of petitioner-Bhagwan Dass and said Kanwaljit Kaur were identical and it was then found out that Kanwaljit Kaur, was his wife, although he had tried to hoodwink the authorities by showing her identity through her father rather than the husband i.e. the petitioner. Such a conduct on the part of the petitioner

reeks of moral deprivation and cheating by impersonation committed on his/his wife's part to hoodwink the authorities and thwart their action in fair selection of Clerk at Bathinda. Such misconduct on the part of the petitioner is totally unacceptable in a judicial organization, which renders him liable to criminal action as also to divest him of his services and that too when he is on probation. Thus, termination of his services on this count during probation period is perfectly justified and no fault can be found with the same.

Dismissed.

01.08.2018
joshi

(Jaswant Singh)
Judge

Whether Speaking/reasoned	Yes/No
Whether Reportable	Yes/No