

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

**Civil Writ Petition No. 19834 of 2018 (O&M)
Date of Decision: 10.08.2018**

Sham Singh

..... Petitioner

Versus

Union of India and others

..... Respondents

CORAM: HON'BLE MR. JUSTICE JASWANT SINGH

Present: Mr. Rajwant Singh Chahal, Advocate
for the petitioner-Sham Singh.

JASWANT SINGH, J. (ORAL)

The petitioner alongwith co-employee-Pardeep Kumar was 'Dismissed from Service' on 24.07.2008 based on the findings of Enquiry Report dated 15.02.2008. The petitioner accepted the 'Dismissal Order' by not filing any appeal or seeking any other remedy in accordance with law.

It so transpires that the third accused/employee-Amarjit Singh Chawla challenged the findings of the Enquiry Report dated 15.02.2008, which ultimately upon the order dated 03.02.2009 passed by the Central Administrative Tribunal, Chandigarh Bench, led into initiation of a fresh enquiry *qua* Amarjit Singh.

In respect of the aforesaid three delinquent officials, including the petitioner, an FIR No. 455 dated 28.12.2006 for offences under Sections 420, 466, 467, 471, 120-B of the Indian Penal Code, was also registered at Police Station Civil Line, Amritsar, on 28.12.2006. In criminal trial, the petitioner has been acquitted vide order dated 18.01.2018 (**Annexure P-3**) passed by learned Judicial Magistrate First Class, Amritsar.

The present writ petition has been filed seeking reinstatement of the petitioner based on the findings of acquittal recorded in the judgment dated 18.01.2018 (**P-3**) of learned Judicial Magistrate First Class, Amritsar, as also the fact that the third accused-Amarjit Singh has since been reinstated.

After hearing counsel for the petitioner, no ground to invoke the writ jurisdiction is made out.

The 'Dismissal Order' dated 24.07.2008 was based upon a duly conducted enquiry after following due procedure of law, which has attained finality, and even a civil suit to challenge the same would be barred. The judgment of acquittal dated 18.01.2018 (**P-3**), passed almost ten years after the 'Dismissal Order', have no bearing on the fate of the 'Dismissal Order', as no finding of fact has been shown, which must be contrary to the findings recorded in the enquiry report based upon the standard of proof of preponderance of probabilities. As regards reinstatement of Amarjit Singh, admittedly, a fresh enquiry was ordered to be conducted in compliance of the order passed by Adjudicating Authority, which perhaps resulted into his exoneration. No benefit of the same can be invoked by the petitioner.

In view of above, no case for interference in the present writ petition is made out, the same is '**dismissed**'.

August 10, 2018

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**(JASWANT SINGH)
JUDGE**

<i>Whether Speaking/reasoned</i>	<i>Yes/No</i>
<i>Whether Reportable</i>	<i>Yes/No</i>