

CWP No.27101 of 2015

[1]

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

Sr. No.218

**Civil Writ Petition No.27101 of 2015
DECIDED ON: February 21, 2018**

JANAK SINGH

..PETITIONER

VERSUS

STATE OF PUNJAB AND OTHERS

...RESPONDENTS

CORAM: HON'BLE MR. JUSTICE JASPAL SINGH

Present: Mr. Ajay Pal Singh Rehan, Advocate,
for the petitioner.

Ms. Jasleen Kaur Sidhu, Assistant Advocate General, Punjab.

JASPAL SINGH, J.

Through the instant civil writ petition preferred under Article 226 of the Constitution of India, petitioner – Janak Singh has sought issuance of a writ especially in the nature of Mandamus directing the respondents to allow him to attend his duties as well as to release his arrears of salary as he is not being permitted to attend his duties w.e.f. 28.05.2014 on the basis of alleged Enquiry Report dated 06.02.2014 (P-1) without there being any suspension/dismissal order passed by any competent authority AS WELL AS for issuance of a writ of Certiorari for quashing the Enquiry Report dated 06.02.2014 (P-1).

2. Petitioner has joined his service as Beldar in Sub Division Office, Cut & Cover, Sub Division, Ranjit Sagar Dam, Shahpur Kandi,

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Tehsil and District Pathankot on 15.06.1988. However, during his service, his elder brother Yudhvair Singh lodged a complaint to the respondents authorities unfolding that petitioner has furnished a wrong and false date of birth as 06.05.1965 at the time of getting job and in fact, the actual date of birth is 15.02.1954. The committee was constituted by the Superintending Engineer, Ranjit Sagar Dam, Shahpur Kandi, District Pathankot for conducting a deep probe/inquiry under the rules in respect of allegations levelled against the petitioner in the aforesaid complaint. After examining the entire record, statements of the witnesses and hearing the parties, committee submitted Enquiry Report dated 06.02.2014 (P-1).

3. Learned counsel for the petitioner has contended that aforesaid Enquiry Report dated 06.02.2014 (P-1) is the result of non-application of mind as well as not-providing of an adequate opportunity to the petitioner. But a close scrutiny of the aforesaid enquiry report transpires that except collection of various documents from different authorities, the parties were also given ample opportunity to adduce evidence in their favour and the petitioner was associated. During the enquiry, he did not opt to get himself medically subjected to ossification test for the determination of his age. During the pendency of the enquiry, matter remained pending before the aforesaid authority for a considerable period. Thus, it cannot be said that no opportunity was afforded to the petitioner prior to the submission of Enquiry Report dated 06.02.2014 (P-1).

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4. Here it would also be pertinent to mention that at the time of joining, petitioner only submitted his affidavit with regard to date of birth as 06.05.1965 and certificate issued by Registrar of Births and Deaths or that copy thereof etc. was not presented. Apart from it, annexure R-2 was submitted, which was issued by the Headmaster, Government Primary School, Baroi Khalki, date of birth of the petitioner depicted in the Register Roll of Government Primary School Baroi Khalki, Block Dhar-2, as 15.02.1954. Thus, Enquiry Report dated 06.02.2014 (P-1) cannot be faulted with. On the basis of aforesaid Enquiry Report dated 06.02.2014 (P-1), petitioner stood relieved from his duty w.e.f. 28.02.2014 vide letter No.2801 dated 28.05.2014. The facts of this letter or action taken by the respondent was not disclosed by the petitioner by filing the instant petition. Otherwise also, a person, who has committed cheating and fraud with Department at the time of his joining, does not deserve a lenient view in the matter.

5. In the light of what has been discussed above, this Court does not find any merit in the instant petition. As such, it stands dismissed.

6. No order as to costs.

February 21, 2018

Ankur

**(JASPAL SINGH)
JUDGE**

**Whether speaking/reasoned
Whether reportable**

**Yes
Yes/No**