

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CWP No. 27048 of 2018
Date of Decision : 19.11.2018

Baldev Singh

...Petitioner

Versus

State of Haryana and others

...Respondents

CORAM: *HON'BLE MR. JUSTICE HARSIMRAN SINGH SETHI*

Present: Mr. Karamveer Singh Banyana, Advocate for the petitioner.

Harsimran Singh Sethi, J.(Oral)

The present writ petition has been filed challenging the order dated 25.04.2003 (Annexure P-5) by which the petitioner was dismissed from service on the ground that the petitioner has been convicted in FIR No. 196 dated 21.06.1996, registered against him under the Prevention of Corruption Act, 1988. Petitioner was ordered to undergo rigorous imprisonment for a period of four years along with a fine of ₹1000/-. Keeping in view the said conviction, the petitioner was dismissed from service on 25.04.2003. Aggrieved against the said order, the petitioner filed an appeal, which was also dismissed on 06.08.2003. In the present writ petition, these two orders Annexure P-5 and P-6 are under challenge.

During the course of hearing, it has been admitted by the petitioner that even the appeal, which has filed by him against the conviction order, has been disposed of and the conviction of the petitioner has been upheld but the sentence was reduced from 4 years to one year.

Once petitioner has been convicted under the Prevention of Corruption Act and is a convicted employee, he cannot claim that he should be allowed to continue in service and should be paid pension for the period he rendered service by modifying the order of dismissal, as the conviction under Prevention of Corruption Act involves moral turpitude. Furthermore, the present petition has been filed with a delay of approximately 15 years, which is not explained at all in the writ petition.

In view of the above, no justification has been presented by the petitioner to interfere with the impugned orders Annexures P-5 and P-6, therefore, the present writ petition being devoid of any merit is dismissed.

November 19, 2018
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(HARSIMRAN SINGH SETHI)
JUDGE

Whether speaking/reasoned? Yes/No
Whether reportable? Yes/No