

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

CWP No.875 of 2018
Date of decision: 18.01.2018

Indra Nath Jha

... Petitioner

Versus

Bethany Educational Society (Regd.) Bethany Convent, Bendur Mangaluru
and others

... Respondents

CORAM: HON'BLE MR. JUSTICE ARUN PALLI

Present: Mr. Manu K. Bhandari, Advocate for the petitioners.
Mr. Ashwani Kumar Chopra, Senior Advocate with
Mr. Ankit Midha, Advocate and
Mr. Manvender Singh Dalal, Advocate
for the caveator-respondents.

ARUN PALLI, J. (Oral)

Petitioner was engaged as a Teacher with St. Joseph's Convent Senior Secondary School, Civil Lines, Bathinda. He was declared a Proclaimed Offender in the complaint under Section 138 of the Negotiable Instruments Act, 1881. He was convicted by the Additional Chief Judicial Magistrate, Bathinda under Section 174-A IPC, in FIR No.32, dated 10.03.2014, and sentenced to undergo imprisonment for a period of one year. The appeal preferred by the petitioner against his conviction was dismissed by the Additional Sessions Judge, Bathinda, vide judgment dated 27.11.2017 (Annexure P17). As a result, the respondent-school invoking the provisions of Clause 3.10 of the Service Conditions, Rules of Conduct and Discipline for the Employees of the Institutions of The Bethany Educational Society, Mangalore, dismissed the petitioner from service. However, the revision filed by the petitioner against his conviction was partly allowed by

this Court vide order and judgment dated 06.12.2017 (Annexure P19). For while maintaining his conviction, he was ordered to be released on probation under Section 5(1) of the Probation of Offenders Act, 1958 (for short, 'the Act'). Though in reference to the provisions of Section 12 of the Act, it was observed that his conviction shall not be treated as disqualification for any purpose whatsoever. In the given situation, vide letter dated 08.12.2017 (Annexure P20), the petitioner represented to the respondents to permit him to join duties and withdraw the dismissal order, dated 30.11.2017. It is maintained that the said representation/application of the petitioner is still pending and continues to await consideration of the respondent authorities.

Having argued the matter at some length, learned counsel for the petitioner as also the caveator-respondents submit that let the petition be disposed of to enable the respondents to consider the application/representation dated 08.12.2017 (Annexure P20) in the wake of the order and judgment (Annexure P19) rendered by this Court and pass appropriate orders in accordance with law.

That being so, the petition is disposed of in the above terms. The necessary order, as indicated above, shall be passed as expeditiously as possible. However, in the event the claim of the petitioner is declined, the authority shall pass a comprehensive order assigning reasons in support thereof. Needless to assert, this order shall not constitute any expression of opinion on merits of the case of either party.

18.01.2018
Rajan

(Arun Palli)
Judge

Whether speaking / reasoned:
Whether Reportable:

YES
NO