

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

CWP No. 6101 of 1998

Date of decision: 12.12.2019

Gulzar Singh

.....Petitioner

V/s.

State Bank of India and another

.....Respondents

CORAM: - HON'BLE MR. JUSTICE SANJAY KUMAR

Present: - Mr. Arnav Sood, Advocate for
Mr. Amit Jain, Advocate,
for the petitioner.

None for the respondents.

Sanjay Kumar, J. (Oral)

The grievance of the petitioner, an employee of the State Bank of India, was that he was arbitrarily removed from service, *vide* order dated 09.09.1997 (Annexure P-5).

Perusal of the record reflects that the petitioner's removal from service was occasioned by his conviction in a criminal case. Pursuant thereto, the Bank issued him a Show-Cause Notice on 09.07.1997, calling upon him to explain as to why he should not be removed from his service. Thereafter, the Bank issued him the impugned order imposing upon him the penalty of removal from service with immediate effect.

Mr. Arnav Kumar Sood, learned counsel representing Mr. Amit

Jain, learned counsel for the petitioner, would concede that the petitioner's conviction stood confirmed in appeal and therefore, the basis for the removal of the petitioner from service remains unassailable. However, he would contend that the petitioner was not given adequate opportunity, inasmuch the Show-Cause Notice was issued to him on 09.07.1997 and the order of removal was passed on 09.09.1997, overlooking the fact that the petitioner was in judicial custody at that point of time and secured bail only on 12.02.1998. Even if it is accepted that the petitioner was denied a reasonable opportunity to respond to the Show-Cause Notice, the fact remains that his removal from service is unimpeachable as his conviction in the criminal case stood confirmed in appeal. Further, even if he had been given a reasonable opportunity, he could not have said anything to the contrary. This Court therefore finds no grounds to interfere with his removal from service.

The writ petition is devoid of merit and is accordingly dismissed.

No order as to costs.

(SANJAY KUMAR)
JUDGE

12.12.2019

rakesh

whether speaking/non speaking

:

Yes/no

whether reportable/non reportable

:

Yes/no