

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CWP No.14268 of 2019

Date of Decision: July 19, 2019

G.S.Bhardwaj

...Petitioner

Versus

State of Haryana & others

...Respondents

CORAM: HON'BLE MR.JUSTICE AMIT RAWAL

Present: Ms. Shaveta Sanghi, Advocate for
Mr. Aditya Sanghi, Advocate,
for the petitioner.

AMIT RAWAL, J.

In the present writ petition, challenge has been laid to the orders dated 23.11.2017, 25.07.2018 and 21.01.2019 (Annexures P-3, P-4 and P-5 respectively) passed by the authorities dismissing the petitioner from service.

The facts enumerated from the writ petition are that petitioner had been working in an Institution as a Fee Clerk and Store Keeper for a number of years, evident from the character certificate Annexure P-1. Respondent No.4-Mr. M.K.Arora on 21.11.2004 was appointed as the new Principal and had been indulging into corrupt practices. Petitioner being an obedient employee working as a Leave Clerk started raising the voice resulting into dismissal from service. Petitioner was served with a charge sheet dated 29.06.2012. As a consequence thereof, an Enquiry Officer was appointed, resulting into termination of his services after having availed statutory remedies.

Ms. Shaveta Sanghi, Advocate for Mr.Aditya Sanghi, learned counsel for the petitioner submitted that vide order Annexure P-2 dated 19.09.2016, Additional Chief Secretary, Department of Higher Education, Government of Haryana, exonerated the petitioner from dismissal from service being excessive and harsh, but thereafter when the petitioner wanted to join, the Principal did not permit resulting into charge sheet and enquiry, whereby the services of the petitioner were dispensed with. Petitioner preferred an appeal before the Director General, Higher Education, Haryana, which, vide order dated 25.07.2018 was dismissed and revision before the Additional Chief Secretary has also been dismissed on 21.01.2019. It is a case of victimization and nothing more. Though the petitioner has retired, but resulted into loss of bread and butter despite having impeccable record. The reasons for dismissal from service are also atrocious, much less vexatious. Two of the Committee members have also, as per Annexure P-6, gave dissenting note regarding dismissal of the petitioner from service and, thus, urged this Court for setting-aside the impugned orders.

I have heard the learned counsel for the petitioner and appraised the paper book.

No doubt, vide Annexure P-2, petitioner was exonerated, but the Additional Chief Secretary while exercising revisional power also noticed that it was incumbent upon the delinquent official to observe and maintain discipline, decorum and propriety in the discharge of his duties and as well as some kind of relationship between the Principal and the management, but keeping in view the background, the impugned order reveals that the petitioner had been given opportunity of personal hearing,

whereby he indulged into locking of the gate of the college and forcibly tried to mark his presence in the attendance register. Even the college staff and students were also put to harassment. For the purpose of enhancing the qualification, degree was also found to be fake, though those may not be ground for imposing such a harsh punishment, but the conduct and behaviour, as noticed in the impugned order, leaves no manner of doubt that such type of person is not entitled to leniency. Though a faint attempt was made by the counsel by making reference to the video recording showed by the college authorities having not been put to the petitioner and proved in accordance with law. In fact, the genesis of the impugned order has not been on the video recording, but it was in addition to the conduct noticed. The authorities have already applied their mind. The Court cannot sit over their decision to form a different opinion. No ground for interference is made out. Resultantly, the petition is dismissed.

July 19, 2019
ramesh

(AMIT RAWAL)
JUDGE

Whether speaking/reasoned
Whether Reportable:

Yes/No
Yes/No