

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

**CWP-20615-2018(O&M)
Date of decision-02.09.2019**

Krishan

...Petitioner

Vs.

State of Haryana and others

...Respondents

CORAM:- HON'BLE MR. JUSTICE JITENDRA CHAUHAN

Present: Mr. B.S. Badhran, Advocate
for the petitioner(s).

Mr. Vikrant Pamboo, D.A.G., Haryana.

Mr. K.K. Gupta, Advocate
for respondent No.4.

Mr. Kramveer Singh Banyana, Advocate
for respondent No.7.

JITENDRA CHAUHAN, J.

This writ petition under Articles 226/227 of the Constitution of India has been filed for the issuance of a writ for quashing the selection and appointment of respondent No.7 to the post of Canal Guard in the Department of respondent Nos.2 & 3 as the post is obtained by playing fraud on the basis of forged documents and concealing the fact of age as well.

It is contended that the petitioner made a representation dated 17.04.2018 (Annexure P-13) to the respondents regarding the illegal selection and appointment of respondent No.7, to the post of Canal Guard in the Department of Irrigation and W.R. On the basis of forged documents

and fabricated date of birth certificates and hence he is liable to be dismissed from the service as the appointment is of a public nature.

Learned State counsel submits that this petition is premature since the department has already taken a notice of the complaint as one Kuldeep Singh had also made a complaint on 01.03.2017 (Annexure P-10) against the respondent No.7 and by taking cognizance upon the said complaint the competent authority had already issued a charge sheet under Rule 7 of Haryana Civil Services (Punishment and Appeal) Rules, 2016 and inquiry is going on pursuant to the complaint.

In view of the above, without advertng to the merits of the case, the present petition is disposed of with a direction to the respondent-State to finalize the proceedings expeditiously preferably within four weeks from the receipt of the certified copy of the judgment and take action thereupon in accordance with law. In case, on consideration, no substance is found in the complaint of the petitioner as well as the complainant-Kuldeep Singh, in such eventuality, the petitioner shall be liable to pay fine of ₹1 lakh for making such unscrupulous and frivolous complaint, to be deposited in Punjab Chief Minister's Relief Fund.

02.09.2019*ps-I***(JITENDRA CHAUHAN)
JUDGE**

Whether speaking/reasoned : Yes No

Whether Reportable : Yes No