

IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH

CWP-9387-2019 (O&M)
Date of Decision: 09.1.2020

Anil Kumar

--Petitioner

Versus

State of Punjab & another

--Respondents

CORAM:- HON'BLE MR.JUSTICE TEJINDER SINGH DHINDSA.

Present:- Mr. Rajesh Kumar, Advocate for the petitioner.

TEJINDER SINGH DHINDSA.J (Oral)

The petitioner, who was working on the post of L.D.C under the Punjab State Power Corporation Ltd., has filed the instant writ petition assailing the order dated 10.6.2011 (Annexure P-1), whereby he has been dismissed from service.

Counsel submits that the order of dismissal has been passed pursuant to conviction of the petitioner in FIR No.15 registered by the Vigilance Bureau, Police Station, Vigilance Bureau, Ferozepur under Sections 7 and 13(2) of the Prevention of Corruption Act, 1988. Against the order and judgement passed by the learned Special Judge, Moga dated 23.12.2010, petitioner has preferred an appeal before this Court. Counsel argues that the appeal had been admitted and even the sentence imposed upon the petitioner has been suspended. It is urged that under such circumstances petitioner ought to be reinstated in service failing which he would suffer huge financial loss and his future as also career would be at stake.

Having heard counsel at length, this Court is of the considered view that no interference in the matter is warranted at this stage.

Concededly, petitioner stands convicted vide Trial Court judgement dated 23.12.2010 and has been held guilty for offence under Section 13(2) as also Section 7 of the Prevention of Corruption Act, 1988. Undoubtedly, conviction for every criminal offence would not entail automatic dismissal. What would be relevant is the conduct of the govt. employee which has led to his conviction on a criminal charge. In the present case conviction of the petitioner is on a charge that he had accepted bribe of Rs.2500/- from one consumer namely Lakhvir Singh son of Kirtan Singh. The offence involves moral turpitude. The respondent-Corporation has chosen to pass the order of dismissal solely on the judgement of conviction. Appeal preferred by the petitioner against conviction is pending as of date. In the eventuality of the petitioner earning acquittal, it would be open for the petitioner, at that stage, to approach corporation seeking reinstatement.

Disposed of.

(TEJINDER SINGH DHINDSA)
JUDGE

09.1.2020

lucky

Whether speaking/reasoned:	Yes/No
Whether Reportable:	Yes/No