

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

**CWP-27682-2017 (O&M)
Date of Decision: 29.01.2020**

Gurnam Singh

... Petitioner

Vs.

Punjab State Power Corporation Ltd. & another

... Respondents

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

Present:- Mr. D.S. Sandhu, Advocate for the petitioner.

Mr. Vikas Chatrath, Advocate for PSPCL.

....

TEJINDER SINGH DHINDSA, J. (ORAL).

Challenge in the instant writ petition is to the order dated 12.10.2017 (Annexure P-3) whereby the petitioner while working on the post of Lineman under the Punjab State Power Corporation Limited has been dismissed from service.

Counsel would vehemently contend that prior to imposing the major penalty of dismissal, no opportunity of hearing or show cause notice has been issued to the petitioner and as such the action is in violation of the principles of natural justice.

Per contra, learned counsel for the Corporation justifies the order of dismissal by submitting that the petitioner has faced criminal prosecution in a matter under the Prevention of Corruption Act and has been held guilty. It is urged that under such circumstances, the petitioner could not have been continued in service.

Counsel for the parties have been heard and pleadings on record have been perused.

Concededly the petitioner was involved in FIR No.21, dated 17.12.2014, under Sections 7 and 13(2) of the Prevention of Corruption Act, 1988, registered at Police Station Vigilance Bureau, Amritsar. The allegations against the petitioner were that while misusing his official position and for shifting/installing a transformer, he has demanded illegal gratification and accepted Rs.4500/- as bribe and that the Vigilance Bureau had caught him red handed. Vide judgment dated 13.09.2017 passed by the Additional Sessions Judge, Amritsar (Annexure P-1), petitioner along with co-accused, Daljit Singh stands convicted. Petitioner has preferred appeal against conviction in this Court i.e. CRA-S-3654-SB-2017 which stands admitted for final adjudication and the sentence awarded stands suspended during pendency of the appeal.

The admitted factual premise is that the respondent/Corporation chose not to initiate a departmental inquiry in the matter and has imposed the major penalty of dismissal solely on the ground of conviction. The conviction of the petitioner is for an offence involving 'moral turpitude'. Under such circumstances, it was certainly open for the respondent/Corporation/employer to consider the conduct of the petitioner leading to his conviction and thereafter to take a view for imposition the major penalty of dismissal. This is precisely what has been done in the present case. No infirmity as such is found in the impugned order dated 12.10.2017 (Annexure P-3).

No interference at this stage, as such, is warranted.

Writ petition is disposed of.

Since the order of dismissal is based solely on conviction, it

would be open for the petitioner to seek reinstatement and other consequential benefits in accordance with law in the eventuality of the appeal preferred by the petitioner being accepted and his conviction being set aside.

(TEJINDER SINGH DHINDSA)
JUDGE

29.01.2020

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| i) | Whether speaking/reasoned? | Yes/No |
| ii) | Whether reportable? | Yes/No |