

Sr. No. 114

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH
CWP-6953-2022

Date of decision: 06.04.2022

Bhagtu Ram

...Petitioner

Vs.

State of Haryana and another

...Respondents

CORAM: HON'BLE MR. JUSTICE ARUN MONGA

Present: Mr. D.S. Matya, Advocate,
for the petitioner.

Mr. Sharan Sethi, Additional A.G., Haryana.

ARUN MONGA, J. (ORAL)

Petition herein, *inter alia*, is for issuance of a writ in the nature of certiorari to quash the impugned order dated 17.10.2016 (Annexure P-8) vide which petitioner was dismissed from service.

2. Petitioner was appointed as Patwari on 30.6.1997. An FIR No. 45 was registered against the petitioner on 30.09.2013 on the complaint of one Jagdish son of Bharat Singh with the allegations that the petitioner had demanded an amount of Rs. 10,000/- for handing over cheque of a compensation amount of Rs. 23,000/-. He was placed under suspension on account of registration of FIR. Later, the petitioner was convicted by the Court of learned Additional Sessions Judge, Bhiwani and sentenced to undergo imprisonment for a period of 3 years and to pay fine of Rs. 5,000/- under section 7 read with Section 13(1) (d) (ii) of Prevention of Corruption Act 1988. Sentence of the petitioner was though suspended by learned ASJ Bhiwani for a period of one month and the same was extended by this Court in the appeal preferred by the petitioner bearing No. CRA-S-3718-SB-2014, which is *sub judice*. On 22.9.2016, petitioner was served with show cause notice for dismissal from service. He submitted reply to the show cause notice. Thereafter

vide impugned order dated 17.10.2016 (Annexure P-8) petitioner was dismissed from service.

3. On advance service, learned State counsel appears and opposes issuance of notice of motion.

4. I have heard learned counsel for the parties and gone through the case file.

5. Merely on account of suspension of sentence during pendency of criminal appeal, petitioner is per se not entitled to seek continuation in service, especially given the nature of allegations against him viz bribery/ corruption etc. No grounds to interfere. However, the writ petition is dismissed with liberty to stake claim on the post in question after decision of the pending criminal appeal bearing No.CRA-S-3718-SB-2014 assailing conviction by the learned Additional Sessions Judge.

06.04.2022

(ARUN MONGA)

vandana

JUDGE

Whether speaking/reasoned:

Yes/No

Whether reportable:

Yes/No