

116.

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

CWP-7446-2022

Date of Decision: 08.04.2022

KARAMBIR SINGH

.... Petitioner

Versus

STATE OF HARYANA AND OTHERS

.... Respondents

CORAM: HON'BLE MS. JUSTICE JAISHREE THAKUR

Present: Mr. Sandeep Gahlawat, Advocate,
for the petitioner.

Ms. Kirti Singh, DAG, Haryana.

JAISHREE THAKUR.J (Oral)

This is a petition that has been filed under Articles 226/227 of the Constitution of India for issuance of an appropriate writ/order/direction in the nature of certiorari for quashing/setting aside the order dated 27.09.2019 (Annexure P-4) whereby the services of the petitioner were terminated by respondent No.4 and further for setting aside the order dated 20.01.2020 (Annexure P-6) whereby his appeal against the order dated 27.09.2019 for reinstatement in service was rejected by respondent No.3.

The grievance of the petitioner herein is that he came to be nominated as an accused in FIR No.393, dated 16.08.2018 along with one Naresh Kumar son of Maha Singh. It is submitted that there was an allegation that the petitioner and the co-accused had stolen two AC units. On

the basis of FIR that was registered, the petitioner herein faced departmental enquiry and came to be dismissed by an order dated 27.09.2019 (Annexure P-4) which order was confirmed in appeal dated 20.01.2020 (Annexure P-6). It is contended that against the appeal, revision is pending, which has yet not been decided.

Counsel for the petitioner herein would contend that proceeding under the FIR has culminated in his acquittal and, therefore, he would be entitled to be reinstated in service as the departmental proceedings were initiated on the same cause of action. Apart from this, it is also contended that the co-accused, who also faced departmental proceedings and had the same allegation against him under the FIR, was punished with stoppage of four annual increments with cumulative effect which were later reduced to two annual increments with cumulative effect. Counsel would submit that since both of them had been nominated in the FIR, there is a disparity in the treatment of the petitioner herein qua Naresh Kumar son of Maha Singh. It is submitted that since revision petition is pending, he may be permitted to take up all those pleas before the authorities who may be directed to decide his revision petition expeditiously.

Notice of motion.

At this stage, Ms. Kirti Singh, DAG, Haryana, who is present in Court, accepts notice on behalf of the respondents-State.

I have heard learned counsel for the parties.

The present writ petition is disposed of with a direction to respondent No.2 to decide the revision petition of the petitioner, within a

period of three months from the date of receipt of certified copy of this order,
in accordance with law, after considering the factum of acquittal of the
petitioner and the quantum of punishment imposed upon Naresh Kumar.

08.04.2022

sanjeev

**(JAISHREE THAKUR)
JUDGE**

Whether speaking/reasoned: Yes/No

Whether Reportable: Yes/No