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

CWP No.9737 OF 2017 (O&M)

Decided on : 21.12.2022

Jai Narain

...Petitioner

Versus

State of Haryana and others

...Respondents

CORAM : HON'BLE MR. JUSTICE ARUN MONGA

Present : Mr. Deepak Singh Saini, Advocate
for the petitioner.

Mr. Saurabh Mohunta, D.A.G., Haryana.

ARUN MONGA, J.

Petition herein, *inter alia*, is for issuance of a writ in the nature of Certiorari for setting aside order dated 27.12.2012 (Annexure P-4), whereby the petitioner has been dismissed from service under Article 311(2)(a) of Constitution of India consequent to conviction of petitioner under Prevention of Corruption Act, 1988 (*hereinafter referred to as 'the Act, 1988'*). Further, prayer was made to set aside order dated 29.08.2016 (Annexure P-7), whereby service appeal of the petitioner has been rejected.

2. Succinct facts first as stated in the petition. Petitioner, at the relevant time, was posted as Patwari, Halqa Patwari-II in the Revenue Department, District Hisar. On 31.01.2007, a complaint was moved before Superintendent of Police, Vigilance, Rohtak that petitioner was demanding bribe for entering certain mutation. A raid was conducted and

allegedly the petitioner was caught red-handed with the bribe amount of Rs.1000/-. An FIR was registered under Sections 7 & 13 of the Act, 1988 at Police Station SVB Hisar. Departmental proceedings were also initiated against the petitioner. He was served with charge-sheet (Annexure P-1) and an enquiry was conducted. Tehsildar, Hansi was appointed as inquiry officer who found the petitioner guilty of all charges and submitted inquiry report dated 19.02.2008 (Annexure P-2). Meanwhile, he was convicted for the offence under Section 7 of the Act, 1988 and sentenced to undergo rigorous imprisonment of three years by the Court of Ld. Special Judge, Hisar vide judgment and order dated 01.11.2010 (Annexure P-5). Punishment of dismissal from service was also imposed upon the petitioner by the Deputy Commissioner, Hisar under Article 311(2)(a) of the Constitution vide impugned order dated 27.12.2012 (Annexure P-4).

2.1. Service appeal before the Commissioner, Hisar Division was though prepared but the same was kept on hold due to pendency of the petitioner's criminal appeal before this Court against judgment and order dated 01.11.2010 (Annexure P-5) passed by the learned Sessions Judge. He was acquitted by this Court vide judgment and order dated 19.10.2015 (Annexure P-6) by giving him the benefit of doubt. Ultimately, while deciding the service appeal, the punishment of dismissal from service imposed upon the petitioner by the Deputy Commissioner, Hisar was affirmed by the Commissioner, Hisar Division vide impugned order dated 29.08.2016 (Annexure P-7). The petitioner has impugned the orders dated 27.12.2012 (Annexure P-4) and 29.08.2016 (Annexure P-7) and prayed for setting aside the same.

3. In the written statement filed by respondent No. 2, it was stated *inter alia*, that in the departmental disciplinary proceedings initiated under the Punishment & Appeal Rules, a charge-sheet (Annexure P-1) was issued to the petitioner on charges that (i) he had demanded Rs. 1000/- from one Ram Niwas for entering a mutation and on accepting the amount, he was caught red-handed and (ii) he was corrupt, dishonest and not dutiful employee and by demanding bribe, he had destroyed the image of Government service and by the said act, he had set himself subject to departmental enquiry. The petitioner's explanation was found unsatisfactory. The Sub Divisional Officer (Civil), Hansi (not the Tehsildar as wrongly stated in the petition) was appointed as Inquiry Officer. Reasonable opportunity was given to the petitioner and the Inquiry Officer submitted the inquiry report dated 19.02.2008 (Annexure P-2) holding that both the charges against the petitioner stood proved. A show cause for the proposed penalty was issued. The petitioner filed his reply. He also availed of the opportunity of personal hearing. On the basis of charges proved, the impugned order dated 27.12.2012 (Annexure P-4) had been rightly passed in the departmental disciplinary proceedings under the Punishment & Appeal Rules dismissing the petitioner from service. After considering and duly discussing the effect of the petitioner's acquittal in appeal by this Court, the petitioner's service appeal had also been rightly rejected vide order 29.08.2016 (Annexure P-7). It was also asserted that the instant writ petition was not maintainable as the petitioner had filed Revision Petition dated 06.10.2016 against the impugned orders, which was pending with respondent No. 1.

4. The petitioner filed replication admitting the holding of inquiry and the inquiry report dated 19.02.2008 (Annexure P-2) which upheld both the charges against the petitioner as proved, but kept mum about issuance of show cause for the proposed penalty; filing of his reply and the opportunity of personal hearing availed by him. He also came out with the new plea that proper procedure was not followed while conducting the inquiry, no right of rebuttal was given and further alleged that he was called during the course of inquiry and his signatures were taken on blank papers and that even after completion of inquiry, all documents were not supplied. It was stated *inter alia*, that the impugned orders have been passed under Article 311(2) of the Constitution and can be directly challenged in the writ petition. The Revision Petition filed by him is not maintainable and is *non-est* in the eyes of law. There is no provision in the Haryana Civil Service (Punishment & Appeal) Rules, 1987 for filing of Revision Petition and the same does not affect the instant writ petition, which is the only remedy.

5. I have heard the learned counsel for the parties and with their able assistance, gone through the record.

6. Learned counsel for the petitioner has raised twofold arguments. Firstly, that if the regular enquiry is not possible then it is mandatory to give reasons as to why it is not practicable to hold enquiry and in the present case there is nothing to show that the enquiry was not possible. Therefore, only after full-fledged enquiry, the order could be passed, instead of under Article 311(2)(a) of the Constitution of India. To support his argument he has relied upon the judgment of the Supreme

Court in ***Reena Rani vs. State of Haryana and others, 2012(10) SCC***

215. Secondly, that the petitioner was ultimately acquitted by this Court in appeal and, therefore, he is entitled to reinstatement along with all consequential benefits. To support his submission, he has relied upon the judgment of this Court in ***Satish Kumar Goel vs. State of Haryana***, passed in CWP No.10487 of 2014, decided on 14.01.2016.

7. *Per contra*, as regards the second argument of reinstatement after acquittal, the learned State counsel has argued that the petitioner has not approached this Court with clean hands as simultaneously he is also availing the departmental remedy of revision (Annexure R-1) before the Financial Commissioner, Revenue which is still pending. Without getting his revision decided, he has also filed the present petition. It is further argued that the petitioner was caught red-handed. The sanction for prosecution was granted and both criminal proceedings and departmental action were instituted against him. Departmentally, the petitioner was charge-sheeted on two charges i.e. 'taking bribe and being corrupt, dishonest employee diminishing the image of government'. The Enquiry Officer-cum-Sub Divisional Officer (Civil), Hansi found both the charges proved.

7.1. In criminal case, the Ld. Special Judge convicted the petitioner under section 7 of Prevention of Corruption Act, 1988 and sentenced him to 3 years rigorous imprisonment and fine of Rs. 10,000/-. But in criminal appeal, vide order dated 19.10.2015, this Court acquitted the petitioner by giving him benefit-of-doubt and it was not an honourable acquittal. He has relied upon the judgment of the Supreme Court in ***Baljinder Pal Kaur versus State of Punjab and others, 2016(1) SCC 671***, wherein it was held that when a witness like bribe giver turned hostile, such acquittals are not acquittals on merit. He has further relied upon the

Supreme Court judgment in *Inspector General of Police versus S. Samuthiran, 2013(1) SCC 598* wherein it was held that even honourable acquittal by criminal court does not result in automatic reinstatement of employee. As per the learned State counsel, the present case is on better footing than quoted cases, because the acquittal here is not honourable. In fact, acquittal is only on the basis of technical ground of benefit-of-doubt. Therefore, the impugned orders deserve to be sustained in law. Further he has argued that standard of proof in criminal cases is higher standard than the proof required in departmental disciplinary proceedings. So, mere acquittal in criminal case cannot result in automatic reinstatement of employee. To support his arguments, he has relied upon the judgment of Supreme Court in *Ajay Kumar Singh versus Commanding in Chief and others, 2016(9) SCC 179*, wherein it was held that there is no automatic reinstatement of employee after acquittal in criminal cases.

8. As regards the petitioner's claim that the order of punishment was passed under Article 311(2)(a), the learned State counsel has argued that full opportunity as prescribed by protection of Article 311(2) of the Constitution was provided to the petitioner. Article 311(2) only provides for (i) an enquiry, (ii) having information about the charges and, (iii) reasonable opportunity of hearing, before any government servant is dismissed. The petitioner was given charge sheet to which he filed reply on 03.08.2007. After dissatisfaction with petitioner's explanation/reply, departmental enquiry was initiated and Sub Divisional Officer (Civil), Hansi was appointed as Enquiry Officer on 12.09.2007. In the enquiry, reasonable opportunity of hearing was provided and only thereafter, both the charges against petitioner were found proved. He has further argued that although after enquiry, no further opportunity of

hearing on proposed penalty is required under Article 311(2), yet not only show cause notice of proposed penalty was given, but personal hearing was also given before imposing the punishment of dismissal. The petitioner also availed both the opportunities and even submitted reply to the proposed penalty. So, it is crystal clear that it may be that the order of dismissal is not properly worded, but it was passed in compliance of Haryana Civil Services (Punishment & Appeal) Rules, 1987. The proviso (a) of Article 311(2) is an exception to the protection provided in Article 311(2) regarding enquiry. The enquiry was already completed by holding petitioner guilty of both charges, yet proviso (a) of Article 311(2) along with Punishment and Appeal Rules was also unnecessarily and erroneously mentioned.

9. Before dealing with the rival contentions, it is pertinent to note that the impugned order (Annexure P-4) is actually for the petitioner's dismissal from service, but in the petition it has been wrongly stated that thereby, the services of the petitioner were simply terminated.

10. The Haryana Civil Services (Punishment & Appeal) Rules came into force from 19.07.2016. Rule 14 thereof categorically provides for Revision against an order for infliction of penalty passed against an employee. The said Rules do not expressly or impliedly bar the remedy of Revision against an order of penalty passed under Article 311(2) of the Constitution. Admittedly, the petitioner had filed Revision Petition dated 06.10.2016 (Annexure R-1) against the impugned orders and it is pending adjudication.

10.1. I am not at all impressed by and, therefore, reject the contention of the petitioner's learned counsel that Revision Petition filed

by him is not maintainable and is *non-est* in the eyes of law as, according to him, the impugned orders were passed under Article 311(2) of the Constitution. He is also blowing hot and cold together in as much as having filed the Revision Petition and while still pursuing that remedy, is also urging that it is not maintainable and is *non-est* in the eyes of law. The petitioner cannot simultaneously sail in two boats. In view of the equally efficacious remedy of Revision against the impugned orders available under the Rules, more so when the petitioner has actually invoked and is still pursuing the same, I am of the opinion that the present petition invoking the extraordinary writ jurisdiction of this Court under Article 226/227 does not deserve to be entertained and is, therefore, liable to be dismissed on that short ground.

11. Even on merits, the petition deserves dismissal.

12. The petitioner's learned counsel has contended that the impugned order (Annexure P-4) was passed invoking clause (a) of the second Proviso of Article 311(2) of the Constitution of India without satisfying the requirements thereof. The basis for passing the impugned order for petitioner's dismissal from service was the Trial Court judgment for his conviction and sentence in the criminal case. As the petitioner was acquitted in the criminal case vide this Court's appellate judgment dated 19.10.2015 (Annexure P-6), the basis for the petitioner's dismissal from service became non-existent. Therefore, clause (a) of the second proviso to Article 311 *ibid* was not attracted and the impugned order of dismissal was liable to be set aside.

13. Learned State counsel has argued that a criminal case as well as department disciplinary proceeding has been initiated against the petitioner for demanding and accepting the bribe. The petitioner was

charge-sheeted on two charges i.e. taking bribe' and 'being corrupt, dishonest employee, diminishing the image of government" which was even replied to by the petitioner on 03.08.2007. Dissatisfied with petitioner's explanation/reply, departmental enquiry was initiated and Sub Divisional Officer (Civil), Hansi was appointed as Enquiry Officer on 12.09.2007. In the enquiry, reasonable opportunity of defence was provided to the petitioner and both the charges against him were found proved. The Enquiry Officer-cum-Sub Divisional Officer (Civil), Hansi, after holding the inquiry having found both the charges proved against the petitioner submitted Inquiry report with his letter dated 19.02.2018 Annexure P-2 to the punishing authority. Show cause notice of proposed penalty was given and the petitioner submitted a reply thereto. Personal hearing was also given, which was also availed by the petitioner. Thereafter, the impugned order was passed on the basis of charges proved in the departmental disciplinary proceedings. There was full compliance of the relevant part of provisions of Article 311(2) of the Constitution as well as the Haryana Civil Services (Punishment & Appeal) Rules in passing the impugned order. The order of petitioner's dismissal was passed under and by complying with and quoting therein the applicable provisions of Haryana Civil Services (Punishment & Appeal) Rules, 1987. It may at the most said that the same was not properly worded and along with the Rules *ibid*, a reference was unnecessarily made to Article 311(2)(a) of the Constitution.

14. For appreciation of the controversy in the proper perspective, the relevant part of Article 311 and the said impugned order are reproduced herein below:

311. Dismissal, removal or reduction in rank of persons employed in civil capacities under the Union or a State

(1) No person who is a member of a civil service of the Union or an all India service or a civil service of a State or holds a civil post under the Union or a State shall be dismissed or removed by a authority subordinate to that by which he was appointed

(2) No such person as aforesaid shall be dismissed or removed or reduced in rank except after an inquiry in which he has been informed of the charges against him and given a reasonable opportunity of being heard in respect of those charges.

Provided that where it is proposed after such inquiry, to impose upon him any such penalty, such penalty may be imposed on the basis of the evidence adduced during such inquiry and it shall not be necessary to give such person any opportunity of making representation on the penalty proposed:

Provided further that this clause shall not apply

- a) where a person is dismissed or removed or reduced in rank on the ground of conduct which has led to his conviction on a criminal charge; or*
- b) where the authority empowered to dismiss or remove a person or to reduce him in rank is satisfied that for some reason, to be recorded by that authority in writing, it is not reasonably practicable to hold such inquiry; or*

xxxx xxxx xxxx

ORDER dated 27.12.2012

That a criminal case was registered against Sh. Jai Narayan, Patwari, Halqa Petwar-II Tehsil Narnaund vide FIR No. 3 dated 31.01.2007 U/s 7 of the Prevention of Corruption Act, 1988 at Police Station, State Vigilance Bureau (H), District Hisar. Thereafter the services of Sh. Jai Narayan, Patwari, were placed under suspension vide this office memo No. 214-17/SK dated 08.02.2007.

That the investigating agency after completion of investigation of the aforesaid case against him, submitted report and sought the permission of sanction for the prosecution of the official. The sanction was accorded vide office memo No. 286/SK dated 02.05.2007 In the meanwhile, the official was charge sheeted under Section 7 of the Haryana Civil Services (Punishment and Appeal) Rules and the official submitted his reply. After careful consideration it was decided to hold a regular enquiry against him and Sub

Divisional officer © Hansi was appointed as the Enquiry Officer vide office memo No. 1700-01/SK dated 12.09.2007.

That after completion of trial of the said criminal case Sh. Jai Narayan, Patwari, have been convicted and sentenced in the above criminal case by the Court of Sh. Baljeet Singh, Addl. Session Judge (Exercising the Powers of Special Judge Under Prevention of Corruption Act, 1988). Hisar vide judgment and order dated 01/11/2010 vide which he is held guilty for the commission of an offence punishable under Section 7 and 13(1) (d) of Prevention of Corruption Act, 1988 and the said Hon'ble Court vide its order of even dated sentenced him to undergo rigorous imprisonment for a period of three years and to pay a fine of Rs. 10000/- and in default of payment of fine shall further undergo rigorous imprisonment for a period of six month. In the regular departmental enquiry also, the official Sh. Jai Narayan, Patwari, had already been held guilty.

In view of the Judgment of the Hon'ble Court and departmental enquiry, the official, having been found guilty, was issued a notice for dismissal from service vide this office memo No. 2419/SK dated 06.06.2011 as per article 311 (2) of the Constitution of India. The official submitted his reply the dismissal notice on 15.07.2011. The reply was considered by the undersigned and found unsatisfactory. Keeping in view, he was given an opportunity by the undersigned. heard in person by the undersigned on dated 14.07.2011. During the course of personal hearing the official could not give any satisfactory explanation. He requested that action being proposed against him may be stayed till the decision in his pending appeal in the Hon'ble High Court.

As per the provisions of Punishment and Appeal Rules 1987 read with rules 7.6 of CSR Vol. I Part. I and rule 7 (2)(6) of Punishment and Appeal Rules, 1987 and letter of Hon'ble FCR dated 26.08.2008, it has been made clear that the convicted Govt. servant should be dismissed or removed from service immediately on receipt of the intimation of conviction in offence involving moral turpitude without waiting for outcome of appeal or revision.

Keeping in view all the above facts of the case and the gravity of offence, I, Dr. Amit Kumar Agrawal, IAS, Collector, Hisar hereby confirm that the official is not a fit person to be retained in Govt service and the notice of dismissal from service was rightly served on the official. So under the above said Provisions of Haryana Civil Services, (P &A) Rule 1987 and the Constitution of India, vide Article no. 311 (2) (a) I, hereby dismiss Sh. Jai Narayan, Patwari, Halqa Patwari-II now Kanoh Tehsil office Barwala from the service with immediate effect in public interest.”

15. Pleadings and documents on record read together abundantly show that in the departmental proceeding, the petitioner was informed of the charges against him and given due opportunity of hearing in respect of those charges. Thus, the requirements and procedure prescribed under Article 311(2) of the Constitution of India read with the Punishment and Appeal Rules have been fully complied with in the case. Hence, no question arose at all for the competent authority to pass any order dispensing with the compliance of those requirements by recording its satisfaction for the purpose in terms of clause (a) and for clause (b) of the second proviso of the Article *ibid*.

16. On an overall reading of the impugned order (Annexure P-4), I am of the opinion that actually it was passed in culmination of the departmental disciplinary proceedings under the Punishment & Appeal Rules as contended by the learned State counsel. The recital of the facts therein about criminal case leading to the petitioner's conviction and sentence by the Court was only incidental, while the reference to Article 311(2)(a) of the Constitution was a surplusage and was made unnecessarily and erroneously. To my mind, that in any case, did not cause any prejudice to the petitioner. I, therefore, repel the contention of the learned counsel for the petitioner to the effect that the impugned order for petitioner's dismissal from service was passed in exercise of the powers under clause (a) of the second Proviso to Article 311 of the Constitution of India because of the conviction and sentence of the petitioner in the criminal case, as also the contention that since the Sessions Court judgment of conviction and sentence of the petitioner in criminal case had been set aside in appeal by this Court, therefore,

impugned order for the petitioner's dismissal from service should also be set aside.

17. As noted, the petitioner expressly admits the holding of inquiry and the inquiry report dated 19.02.2008 (Annexure P-2) which held that both the charges against the petitioner stood proved. In his replication, he remained mum about averments in the written statement about the issuance of show cause for the proposed penalty; filing of his reply and the opportunity of personal hearing availed by him. By implication, thus, these facts are deemed admitted by him.

18. In replication, the petitioner, however, came out with the new plea that proper procedure was not followed while conducting the inquiry, no right of rebuttal was given and alleged that he was called during the course of inquiry and his signatures were taken on blank papers and that even after completion of inquiry, all documents were not supplied. The aforesaid pleas are totally vague and bereft of any specific particulars. It is not shown what the violation of the procedure in the inquiry was; whether the petitioner had even requested for opportunity of rebuttal but his request was refused; when and by whom his signatures were taken on blank papers and how those papers were used against the petitioner in the inquiry and what specific documents had not been supplied to him. Further, it is not even alleged how the petitioner was prejudiced by the aforesaid so-called procedural violations. In my opinion, all these allegations are afterthought, do not inspire any confidence and deserve to be just rejected.

19. True, as pointed out by the learned counsel for the petitioner, that before the Inquiry Officer, Ram Niwas had not supported the charge of giving bribe to and its acceptance by the petitioner and just stated that

he did not want any departmental enquiry against the petitioner, the case was pending in court and whatever the judgment court would give, would be acceptable to him and that he did not have any issue with the petitioner. But in my opinion, that did not bar the Inquiry Officer from taking into consideration the other evidence actually produced before him and record his findings on that basis.

20. The Inquiry report reads as under:

“On the above said subject was appointed enquiry officer by your office, vide order No. 1700-01/SK/BC-1/26 dated 12.9.2007. Following allegations were leveled against Sh. Jai Narain Patwari.

1. That at the time of your posting at Halqa Patwar-II, you demanded Rs.1,000/- from Sh. Ram Niwas S/o Sh. Mai Lal, resident of Patwar in lieu of entering mutation against registration and on acceptance you were caught red handed, by the State Vigilance Bureau.

2, That you are corrupt, dishonest and not dutiful employee and by demanding bribe you have destroyed the image of government service and by the said act you have set yourself subject to departmental enquiry.

For enquiry all witnesses on filed were summoned alongwith Jai Narain Patwari.

Sh. Mahinder Singh, Tehsildar, Hansi stated that on 31.1.2007 he was posted as Duty Magistrate with the raiding party. He confirmed the fact of the recovery of Rs.1,000/- from Jai Narain, Patwari. Sh. Ram Niwas complainant stated that "I don't want any departmental enquiry against Jai Narain, Patwari, case is pending in court, whatever the judgment court will give, will be acceptable to me. I don't have any issue with Patwari.

Jai Narain Patwari stated that Ram Niwas resident of Patwar came to office on 1.12.2006 for mutation. I entered the mutation No. 2719 dated 4.12.2006 and CRO sanctioned that mutation on 30.12.2006. I didn't demands any bribe from complainant. Complainant has also deposed that he has not issue with Patwari. Complainant is a quarrelsome person and want to fulfill selfish works by lodging false complaint.

I have very carefully gone through the statement of witnesses, evidences and records. The para-wise comments on Charges.

Charge No. 1: That Sh. Mohinder Singh, Tehsildar, Duty Magistrate has confirmed the facts of recovery of Rs.1,000/- which was taken from complainant. Therefore, this charges proved.

Charge No. 2 On confirmation of above said Charge, this is also proved.

Therefore, enquiry report against Sh. Jai Narain, Patwari, is submitted for necessary action.”

21. As would be seen, the Inquiry Officer in his report referred to the statement of Shri Mohinder Singh, Tehsildar, Duty Magistrate confirming the facts of recovery of Rs. 1000/- taken from the complainant and held that the charges against the petitioner had been proved. In my opinion, the Inquiry Officer recorded the correct finding on the basis of the material placed before him and no fault can be found with the same.

22. Accepting and acting upon the report of the Inquiry Officer, wherein the charges against the petitioner were duly proved, the punishing authority, after complying with the further procedure in accordance with the law, inflicted the penalty of dismissal from service on the petitioner.

23. Standard of proof in criminal cases is higher than that in civil proceedings. Proof beyond reasonable doubt is necessary in criminal cases, but in civil proceedings, a fact may be held proved on preponderance of probabilities.

24. In my opinion, the acceptance of the petitioner's appeal against the Session Court's judgment of conviction and sentence does not ipso fact nullify the effect of charges proved against the petitioner in the departmental disciplinary proceedings which formed the basis of the

impugned order for petitioner's dismissal from service in accordance with the relevant provisions of the Punishment & Appeal Rules.

25. In *Satish Kumar Goel v. State of Haryana and another*, passed in **CWP No. 10487/2014**, decided on **14.01.2016**, the petitioner was dismissed from service on the ground of his conviction in criminal case, but later on he was acquitted. In **Constable Major Singh vs. State of Haryana and others**, the petitioner had been dismissed from service by invoking the provisions of Article 311(2) of the Constitution without holding any inquiry, on the ground that he had close links with extremists and was helping them by providing information of the police department. His earlier writ petition (No. 6406/1994) had been allowed on 16.12.2016 but the respondents were given liberty to hold a departmental inquiry against the petitioner affording him reasonable opportunity of being heard. By fresh impugned orders dated 31.08.2017 and 19.09.2017, the petitioner's post dismissal period from 31.12.1992 to 13.03.2017 was treated as 'No work, no pay' period and the petition filed for quashing those orders was allowed. There are no such facts and circumstances in the instant case. These judgments relied upon by the learned counsel for the petitioner do not, therefore, help the petitioner.

26. The impugned appellate order dated 29.08.2016 (Annexure P-7) shows that the service appeal was based on the sole ground of acquittal of the petitioner by the High Court. As held above, the acceptance of the petitioner's appeal against the Session Court's judgment of conviction and sentence did not ipso fact nullify the effect of charges proved against the petitioner in the departmental disciplinary proceedings which formed the basis of the impugned order for petitioner's dismissal from service in accordance with the relevant part of the provisions of

Article 311 of the Constitution of India and the Punishment & Appeal Rules.

27. As a result of the above discussion, the petition is dismissed.

28. Pending civil miscellaneous application, if any, also stands disposed of.

December 21, 2022
ashish

(ARUN MONGA)
JUDGE

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No