

**1398 IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH**

RSA-1561-1993 (O&M)

Date of decision: 10.08.2023

State of Punjab and another

..Appellants

Versus

Dharam Singh (deceased) through LRs

.Respondent

CORAM: HON'BLE MR. JUSTICE ANIL KSHETARPAL

Present:- Mr. Sandeep Chopra, DAG, Punjab

ANIL KSHETARPAL, J (Oral)

1. In this appeal, the State of Punjab (defendant) assails the correctness of the concurrent findings of fact arrived at by the courts below while decreeing the suit filed by the plaintiff (since deceased) for grant of decree of declaration that the order by which he was removed from service is not sustainable. In substance, the respondent was employed as Beldar (Class IV), however, on account of conviction under Section 307 IPC in the year 1981, he was removed from service. By a civil court decree dated 05.05.1983, he was reinstated in service w.e.f 14.07.1981. Subsequently, he was issued a show cause notice, which led to the order, again removing the respondent from service on 31.01.1987. Both the courts, on appreciation of evidence, have found that the order terminating the respondent's services stems from a mechanical approach. The punishing authority has not applied its mind to the facts relating to the incident, which led to the conviction of the respondent and the role played by the respondent in the commission of the offence.

2. It is well settled that mere conviction of an employee does not ipso facto result in his removal from service. The competent authority is required to form an opinion after taking into consideration the conduct, which led to the conviction of an employee.
3. Learned counsel representing the appellant has failed to put forth any convincing argument to prove that the judgments passed by the courts below suffers from any misrepresentation or non-reading of the evidence. Moreover, during the pendency of the appeal, the respondent Dharam Singh is stated to have died.
4. Keeping in view the aforesaid facts, no ground to interfere is made out.
5. Hence, dismissed.
6. All the pending miscellaneous applications, if any, are also disposed of.

10.08.2023

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Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No

(ANIL KSHETARPAL)
JUDGE