

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

**CWP-11119-2021
DECIDED ON: 21.08.2023**

VIKASH

...PETITIONER

VERSUS

**HARYANA VIDYUT PRASARAN NIGAM LIMITED THROUGH ITS
MANAGING DIRECTOR AND ANOTHER**

...RESPONDENTS

CORAM: HON'BLE MR. JUSTICE SANDEEP MOUDGIL

Present: Mr. Anurag Goyal, Advocate with
Mr. Shivan Malik, Advocate
for the petitioner.

Mr. Sandeep Jain, Advocate
for respondents.

SANDEEP MOUDGIL, J

1. The jurisdiction of this Court has been invoked under Article 226 of the Constitution of India for issuance of a writ in nature of certiorari seeking quashing of notice dated 06.05.2021 (Annexure P-6) as well as the order dated 16.06.2021 (Annexure P-6/B) whereby the services of the petitioner have been dispensed with by the respondents. It has been alleged that the services have been wrongly terminated in violation of the appointment letter dated 23.06.2020 (Annexure P-3).

2. Learned counsel for the petitioner submits that the petitioner was appointed as Junior Engineer (Civil) in the year 2020. At the time of filling up the application form and submitting it to the Haryana Staff Selection Commission, the petitioner had specifically mentioned that an FIR was pending against him. Thereafter, the petitioner was issued appointment letter. However, at the time of joining, the petitioner had submitted an undertaking/affidavit dated 11.06.2020 stating therein that there was nothing adverse against him. Thereafter, a show cause notice dated

06.05.2021 (Annexure P-6) was issued to the petitioner, vide which his services were contemplated to be dispensed with. Counsel relies upon the judgments passed by Hon'ble Supreme Court in 'State of Gujarat Vs. Suryakant Chunilal Singh Shah', 1999 (1) SCC 529 and 'Commissioner of Police and others Vs. Sandeep Kumar', 2011 (4) SCC 644; judgments passed by the Coordinate Benches of this High Court in 'Pardeep Vs. State of Haryana and others', 2013 (3) SCT 530 and in CWP No.1486-2017 titled 'Param Bhushan Arya Vs. State of Haryana and others' decided on 04.12.2017.

3. On the other hand, the learned counsel for the respondent has contended that the as per condition of offer of appointment, the petitioner submitted an affidavit/undertaking dated 11.06.2020 (Annexure P-5) stating that there is nothing adverse against him and no FIR/criminal cases are pending against him which may render him unsuitable or ineligible for appointment in HVPNL. However, such a statement made by the petitioner is factually incorrect as can be seen from a perusal of the letter dated 01.06.2021 (Annexure R-3) issued by the Addl. Director General of Police, CID, Haryana, Panchkula, reproduced below:

“Secret enquiry has been got into the matter and it has been found that there is nothing adverse against the petitioner on record of CID, Haryana.

As per report of local police case FIR No. 221 dated 13.10.2020 U/s 498-A, 323, 406 IPC PS Safidon, Jind, Haryana this case is under investigation. A case FIR no. 716 dated 19.06.2018 u/s 420/467/468/471 and 120-B IPC P.S. KankerKhera, Distt Meerut (UP) and case FIR no. 126/18 U/s 419, 120-B IPC P.S. Shimla West (Himachal Pradesh) have been registered against him. Both cases are under trial in the court.”

The learned counsel for the respondent has contended that the services of the petitioner were rightly dispensed with being in violation of Regulation 4 of the Haryana State Electricity Board (Conduct) Regulations, 1984 as per which a duty is cast upon the employee to maintain integrity.

4. Heard learned counsel for the parties and gone through the record.

5. It is undeniable that as per the copy of the application form submitted by the petitioner to the Haryana Staff Selection Commission (Annexure P-2), the petitioner has marked 'Yes' against the column related to 'Any FIR lodged/ Pending against the applicant'. Thereafter, offer of appointment was issued in the favour of the petitioner and the petitioner was required to submit an affidavit stating whether any FIR/ Criminal cases are pending against him. However, as per the affidavit dated 11.06.2020 (Annexure P-5), the petitioner has stated that there is no FIR/ Criminal cases pending against him and in case anything comes to the notice of the Nigam against him, his services will be dispensed with forthwith. Admittedly, FIR No.716 dated 19.06.2018 under Sections 420/467/468/471/120-B IPC and FIR No.221 dated 13.10.2020 under Sections 498-A/323/406 IPC had been lodged and the trial was pending against the petitioner as on date of submission of the affidavit.

6. Admittedly, an incorrect undertaking by way of affidavit was submitted by the petitioner which may put a question on the integrity and honesty of the petitioner. As such, the case set up by the petitioner is without any merit in view of the observations made by the Division Bench of this Court in **Jai Bhagwan Prashar v. State of Haryana**[2007(3) S.C.T. 332] wherein it has been held that since the entry into service of the employee was dishonest and based upon a false affidavit, there was no reason for interference.

7. In view of the above discussion, this Court does not find any merit in the present writ petition and the same is accordingly dismissed.

21.08.2023

V.Vishal

1. Whether speaking/reasoned?
2. Whether reportable?

(Sandeep Moudgil)
Judge

Yes/No
Yes/No