

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

CWP-13626-2022

Date of decision : 19.01.2023

Surjit Kumar @ Surjit Singh

...Petitioner

Vs.

State of U.T. Chandigarh and others

...Respondents

CORAM:- HON'BLE MR. JUSTICE MANOJ BAJAJ

Present: Mr. Munish Bhardwaj, Advocate
for the petitioner.

Mr. Aditya Jain, Advocate and
Mr. Rahul Vohra, Advocate
for the respondents-U.T.Chandigarh.

MANOJ BAJAJ, J.

Petitioner has filed this writ petition under Article 226 Constitution of India seeking a writ in the nature of Certiorari for quashing the letter dated 04.10.2021 (Annexure P-7), whereby representation moved by him for his re-appointment as Safai Karamchari, was rejected.

Learned counsel contends that the petitioner was appointed on compassionate grounds as Safai Karamchari on 18.04.2022 by Municipal Corporation, Chandigarh on daily wage basis, but because of his false implication in case FIR No.125 dated 18.07.2004 registered under Sections 341, 354 and 506 at Police Station Sector-19, Chandigarh, he faced trial in the said case, wherein his conviction was recorded on 19.10.2006 (Annexure P-1). Learned counsel submits that against the said

judgment of conviction, an appeal was preferred by the petitioner and during the pendency of the appeal, his services were regularized on 03.07.2009 (Annexure P-2) after completion of the probation period. Learned counsel has pointed out that the appeal filed by the petitioner was also dismissed on 14.07.2010 (Annexure P-3), therefore, he preferred criminal revision i.e. CRR-2061-2010, wherein the parties entered into a settlement and on the basis of the same, this Court vide decision dated 08.03.2018 (Annexure P-5) had set aside the conviction and quashed the FIR, but before this, services of the petitioner were terminated through communication bearing No.MOH/EA-II/2015 (Annexure P-4).

Learned counsel further submits that after final adjudication of the criminal proceedings, he moved representation to the Medical Health Officer, Municipal Corporation, Sector- 17, Chandigarh requesting him to allow the petitioner to join the service again, but the said request has been declined through the impugned communication dated 04.10.2021 (Annexure P-7). Learned counsel submits that since the FIR has been quashed, there is no impediment in his joining the service again with the Municipal Corporation, therefore, the impugned communication be set aside.

After hearing learned counsel and examining the material on record, this Court finds that in the criminal case, the prosecution successfully brought home the guilt of the petitioner and judgment of conviction was further upheld by the appellate Court. No doubt, the revision petition against the judgment passed by the appellate court was

pending consideration, but before the decision of revision the petitioner was dismissed from service in the year 2015.

Concededly, the termination order dated (nil) passed in 2015 (Annexure P-4) was never challenged by the petitioner, and he simply made request in May 2021 seeking permission of respondent-Municipal Corporation, Chandigarh to allow him to join the service again and the same has been declined. Thus, this Court is of the considered opinion that the petitioner cannot derive any benefit from the decision dated 08.03.2018, which was passed by the revisional Court subsequent to his dismissal from service in the year 2015.

Resultantly, no ground is made out for exercise of extra ordinary writ jurisdiction.

Dismissed.

(MANOJ BAJAJ)
JUDGE

19.01.2023
vanita

Whether speaking/reasoned :	Yes	No
Whether Reportable :	Yes	No