

In the High Court for the States of Punjab and Haryana  
At Chandigarh

CWP-22740-2019 (O&M)  
Date of Decision:-4.8.2023

Amanpreet Singh ... Petitioner  
  
Versus  
  
State of Punjab and another ... Respondents

**CORAM: HON'BLE MR. JUSTICE GURVINDER SINGH GILL**

Present:- Mr. Harprateek Singh Sandhu, Advocate for the petitioner.  
  
Mr. Aman Dhir, DAG, Punjab.  
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**GURVINDER SINGH GILL, J. (Oral)**

1. The petitioner has approached this Court seeking quashing of order dated 23.5.2019 (Annexure P-4) vide which his offer of appointment to the post of Junior Engineer in Department of Irrigation, Punjab has been cancelled.
2. The State of Punjab had published an advertisement dated 25.11.2016 inviting applications for recruitment to 16 posts of Junior Engineer (Electrical) out of which 8 posts were reserved for ‘General Category’. The petitioner, who possessed the requisite qualifications, applied for the same and duly qualified and was selected. In the application form Annexure P-2, all the candidates were required to furnish information including information as regards “conviction in any criminal case”. The relevant extract from the said application form (Annexure P-2) is reproduced hereinunder:

|                                |    |              |  |  |
|--------------------------------|----|--------------|--|--|
| Convicted by any criminal case | No | Case details |  |  |
|--------------------------------|----|--------------|--|--|

3. Since the petitioner had never been convicted in any case, he furnished the said information in negative by writing 'No' against the said column. The petitioner thereafter was issued offer of appointment letter dated 15.10.2018 (Annexure P-3). However, subsequently the said offer of appointment letter was cancelled vide letter dated 23.5.2019 (Annexure P-4) on grounds of involvement of the petitioner in an criminal case. The relevant extract from the said letter 23.5.2019 (Annexure P-4) reads hereinafter:

“In this context, as per the report of Deputy Commissioner FIR No.4 dated 5.3.2013 under Sections 419, 420, 465, 468, 120-B, 201 of Indian Penal Code and Sections 66, 66-D of IT Act has been found registered State Cyber Crime at SAS Nagar. Therefore, the appointment letter issued to you for the post of Junior Engineer by the Water Resources Department is being cancelled.”

4. Learned counsel for the petitioner submitted that the only disqualification for appointment that could be discerned as per the application form (Annexure P-2) was “conviction in a criminal case”, whereas the petitioner has never been convicted in any case till date and that as a matter of fact, he stands acquitted in the only FIR which had been registered against him i.e. in FIR No.04 dated 5.3.2013 registered at Police Station State Cyber Crime, Phase-4, Mohali, under Sections 419, 420, 465, 468, 120-B, 201 of Indian Penal Code and Sections 66, 66(D) of IT Act, 2000, vide judgment dated 27.3.2023 (Annexure P-6) passed by learned Judicial Magistrate 1<sup>st</sup> Class, SAS Nagar, Mohali.
5. Learned counsel for the petitioner submitted that the respondent – authorities formed an opinion regarding his character solely on the basis of factum of lodging of FIR without caring to ascertain the veracity of allegations levelled

therein and which as a matter of fact have been found to be false as would evident from the judgment dated 27.3.2023 (Annexure P-6), wherein the petitioner stands acquitted.

6. On the other hand, learned State counsel has vehemently argued that since at the time when offer of appointment was made to the petitioner, the FIR in question was pending, therefore, the assessment of character on the basis of lodging of FIR cannot be found fault with. It has been submitted that the factum of acquittal of the petitioner subsequently cannot be taken into account. It has further been submitted that the petitioner, in any case, never approached the authorities concerned after his acquittal vide judgment dated 27.3.2023 (Annexure P-6).
7. This Court has considered rival submissions addressed before this Court.
8. This Court would like to observe that in the application form the only information, which the petitioner was required to furnish, was as regards conviction, if any, in any criminal case. The requisite column in the application form does not prescribe furnishing information pertaining to mere pendency of FIR. In any case, the petitioner already stands acquitted in the said FIR vide judgment dated 27.3.2023 (Annexure P-6). Nothing has been shown to this Court as to whether any appeal has been filed against the said judgment. Further, there is nothing else on record from which anything adverse as regards character or antecedents of petitioner could be inferred. As such, formation of an opinion regarding character merely on the basis of lodging of FIR in which petitioner stands acquitted would itself be debatable.
9. In any case, without making any further observation and while noticing that the matter pertaining to offer of appointment of the petitioner to the post of

Junior Engineer (Electrical) has not been considered afresh after his acquittal vide judgment dated 27.3.2023 (Annexure P-6), the petition, as such, is accepted and order dated 23.5.2019 (Annexure P-4) is hereby set aside. The respondent – authorities are directed to consider the case of the petitioner for restoring the offer of appointment to the post of Junior Engineer (Electrical) particularly keeping in view the fact that he already stands acquitted in the FIR and there is nothing else to show anything against his character.

10. Since during the course of arguments, learned counsel cited the following judgments, the authorities concerned shall bear in mind the ratio of said judgments while considering the matter:
- i. Judgment dated 31.10.2022 passed in CWP No.1827 of 2019 titled Mandeep Kaur Versus Canara Bank and another;
  - ii. Veerta Verma Versus State of Himachal Pradesh reported as 2009(4) SCT 241;
  - iii. Khazan Singh Versus State of Haryana and others reported as 2004 (1) SCT 334; and
  - iv. Commissioner of Police Versus Sandeep Kumar reported as 2011 (4) SCC 644.
11. It is hoped that the matter shall be disposed of expeditiously preferably within a period of 4 months from today by passing a speaking order.

4.8.2023

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( Gurvinder Singh Gill )  
Judge

Whether speaking /reasoned

Yes / No

Whether Reportable

Yes / No