

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

CWP No. 22452 of 2022

Date of decision : February 23, 2023

Ranjit Singh

..... Petitioner

Versus

State of Punjab and others

..... Respondent

CORAM : HON'BLE MR.JUSTICE PANKAJ JAIN

Present :-Mr. R. S. Bajaj, Advocate
for the petitioner.

PANKAJ JAIN, J. (ORAL)

Present petition has been filed under Article 226/227 of the Constitution of India praying for issuance of writ in the nature of certiorari for quashing the impugned order dated 08.09.2022 (Annexure P-2) whereby the petitioner has been denied appointment to the post of Senior Manager in Punjab State Cooperative Bank Ltd.-respondent No.3. Petitioner earlier was in service of IDBI Bank as Assistant Manager. Vide punishment order dated 29.05.2021 (Annexure P-1) penalty of removal from service was imposed. Order dated 29.05.2021 reads as

under:-

“Consequent upon the Penalty Order bearing Ref No: IDBI Bank/ZO/ER/1301/2021- 22, dated May 21,2021, imposing major penalty of ""Removal from Service, which shall not be a disqualification for future employment"; Shri Ranjit Singh (EIN: 118668, EC: 692689). Assistant Manager, stands removed from the services of the Bank in terms of Rule -4(2) (1) of IDBI Ltd. Officers (Discipline & Appeal) Rules, 2006, with effect from May 21,2021.”

It is on this basis that the petitioner has been denied appointment. Learned counsel for the petitioner submits that though the respondents have relied upon Rule 2.2 (d) of Punjab State Cooperative Financing Institutions Service (Common Cadre) Rules, 1970-71, however, the same would operate to the benefit of the petitioner and not otherwise.

I have heard learned counsel for the petitioner and have gone through the record of the case.

Rule 2.2 (d) which is the apple of discord in the present *lis* reads as under:-

2.2(d) No person shall be appointed to the service if he has previously been dismissed from the service of any Institution government department or any other or has been convicted by a court of law as a result of some act of dishonestly or moral turpitude."

Learned counsel for the petitioner does not deny the fact that removal

from service imposed upon the petitioner by the erstwhile employer was a major penalty. Resultantly, the petitioner would fall within the ambit of Rule 2.2 (d) of Rules ibid. Learned counsel for the petitioner is trying to carve out an exception claiming that since removal would be different from dismissal, therefore, the petitioner would not fall within the same. The argument is misconceived. The petitioner has been saddled with removal as a major penalty and thus, he would fall within the specie as formulated in the relevant Rule.

Consequently the present writ petition stands dismissed.

(PANKAJ JAIN)
JUDGE

February 23, 2023
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Whether speaking/reasoned	Yes
Whether Reportable :	No