

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CWP-26822 of 2022 (O&M)

Date of decision: 21.02.2023

Gurmej Singh

..Petitioner

Versus

State of Punjab and others

..Respondents

CORAM: HON'BLE MR. JUSTICE ANIL KSHETARPAL

Present: Mr. Karambir Singh Kahlon, Advocate
for the petitioner.

Mr. Vikas Arora, AAG, Punjab

ANIL KSHETARPAL, J(Oral)

1. The petitioner prays for the issuance of a writ in the nature of certiorari to quash the order dismissing him from service vide order dated 06.10.2015.
2. The relevant facts, in brief, are required to be noticed.
3. The petitioner was initially engaged on a daily wage basis. Subsequently, his services were regularised by the concerned authority. An FIR No.25, dated 14.03.1997 under Section 420/465/468/471/120-B IPC was registered at Police Station Dorangla, against the petitioner as he was found to have hatched a criminal conspiracy to collect money from the unemployed youth by cheating them on the basis of fabricated documents for arranging the jobs for them. He along with the other accused was convicted by the Additional Chief Judicial Magistrate, Gurdaspur, on 17.03.2010 and was sentenced to undergo 3 years rigorous imprisonment with fine of Rs. 3000/-. An appeal as well as the revision filed by the petitioner against the judgment of his conviction were dismissed.

Consequently, the petitioner has been dismissed from service by the authority in exercise of powers under Article 311 of the Constitution of India read with Rule 13 of the Punjab Civil Services (Punishment and Appeal) Rules, 1970 (hereinafter referred to as 'the 1970 Rules').

4. This Bench has heard the learned counsel representing the petitioner at length and with his able assistance perused the paper book.

5. The learned counsel representing the petitioner submits that no inquiry has been held by the department against the petitioner and he has been dismissed without being heard on the matter.

6. On the careful perusal of the impugned order, it is evident that the petitioner filed a representation on 02.02.2015 for his reinstatement. He also filed a writ petition in the High Court which was disposed of while directing the competent authority to pass the appropriate orders. The competent authority found that the petitioner stand convicted for offences involving moral turpitude. In these circumstances, the argument of the learned counsel alleging the infringement of the principles of nature justice pales into insignificance particularly when the order has been passed on the representation filed by the petitioner. It is provided in Article 311 of the Constitution of India read with the 1970 Rules that if an employee is convicted on the grounds of moral turpitude or conduct, the competent authority after examining the conduct of the employee which led to his conviction can dispense with the services without holding regular inquiry.

7. Keeping in view of the aforesaid facts and discussion, this court does not find it appropriate to issue the writ as prayed for.

8. Dismissed.

9. All the pending miscellaneous applications, if any, are also disposed of.

February 21, 2023
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(ANIL KSHETARPAL)
JUDGE

Whether speaking/reasoned : *Yes/No*
Whether reportable : *Yes/No*