

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

(106)

LPA-181-2023
Decided on : 04.04.2024

Balwinder Kaur

.....Appellant(s)

Versus

State of Punjab & others

.....Respondent(s)

**CORAM : HON'BLE MR.JUSTICE G.S. SANDHAWALIA,
ACTING CHIEF JUSTICE
HON'BLE MS.JUSTICE LAPITA BANERJI**

Present: Mr.Rohit Mittal, Mr.Babneet Singh & Mr.Rahul Verma,
Advocates for the appellant (s).

G.S. Sandhawalia, Acting Chief Justice (Oral)

1. Consideration in the present appeal is to the judgment dated 23.04.2018 passed in CWP-415-2018 whereby the Learned Single Judge refused to interfere in the order of termination dated 01.09.2015 (Annexure P-12) which had been duly upheld in appeal and review decided on 28.10.2015 and 17.08.2017 respectively (Annexures P-14 and P-16).
2. What weighed with the Learned Single Judge is that the experience certificate did not exist regarding working at the printing press and the finding of fact was recorded by the Enquiry Officer had been duly confirmed in appeal and in review. An attempt was made to get the order of the Learned Single Judge reviewed by filing RA-CW-266-2018 which was also dismissed on 13.01.2023 which had come up before another Learned Single Judge since the earlier Judge was not serving in this Court at that point of time.

3. Counsel for the appellant has made a vain effort to convince us to entertain the appeal on the ground that evidence had been produced before the Enquiry Officer in the form of two employees who had worked in the Printing Press but this aspect was not duly examined.

4. We have perused the paperbook. Apparently, the appellant secured appointment on 01.01.2013 as a Learner Binder (Junior Technician) in the Printing & Stationery Department, Punjab and an appointment order was issued (Annexure P-3). The same was on the strength of the experience certificate dated 04.05.2009 (Annexure P-2) of having worked with one Dashmesh Printing Press from 10.01.2005 to 30.04.2009. Vide communication dated 07.01.2013 (Annexure P-4), the employer had sought to verify the experience certificate on the receipt of a complaint and on not getting the references at the address given by the office concerned, initial enquiry had been made regarding the experience certificate and she was charge-sheeted on 14.08.2014 (Annexure P-5). The article of charge which was framed read as under:

“1. Smt. Balwinder Kaur, Learner Binder, Government Press, S.A.S.Nagar, Punjab, submitted Fake Experience Certificate stated to be issued by M/S Dashmesh Printing Press, Factory no.-250-H, Village Bhareri, Sector-41-D, Chandigarh, was presented before Subordinate Services Selection Board, Punjab to get fake appointment as Learner Binder in the concerned department.”

5. A preliminary investigation had been conducted by Shri Ujagar Singh, Deputy Controller (Finance & Audit)-cum-Chief Vigilance Officer and an Enquiry Officer was appointed who is a retired Addl.District & Sessions Judge. Vide his enquiry report, he examined 3 witnesses on behalf of the Department whereas the appellant-employee also examined Kuldeep Singh as

DW1 and Ram Lubhaya as DW3 who were allegedly working with the Printing Press. Vide detailed and reasoned report, the Enquiry Officer came to the conclusion that for running such an establishment, there would have been a licence but nothing had been brought on record as to whether the Press existed. On physical verification, the persons who were occupying the premises stated that no Press had ever existed in that building. It was also noticed that there was a litigation inter se between the husband and wife and proceedings had been initiated under Section 498A IPC by the present appellant. In such circumstances, the Enquiry Officer came to the conclusion that the experience certificate was a forged one procured for getting the Government job. It is in such circumstances, the termination order was passed by the Controller, Printing & Stationery Department, Punjab on 01.09/2015 (Annexure P-12) while noticing that the employee was under probation which had been duly extended but never confirmed on account of the enquiry proceedings. The opportunity of personal hearing was also given at that time.

6. In appeal, the Appellate Authority noticed that no new material was brought on record during the departmental enquiry and the employee could not prove the experience certificate and the fact that the Press was in existence and accordingly dismissed the appeal. Review application was also thus dismissed on 17.08.2017 (Annexure P-16) by noticing that if a Government employee defrauds by producing a fake certificate, he/she could not be kept at the job and there is no flaw in the earlier order.

7. The jurisdiction of this Court while deciding the petition under Article 226 of the Constitution of India is limited to the extent that judicial review is only to be exercised if the procedure followed is not correct or there

is and procedural error or that the principles of natural justice have been violated. In the absence of the same, we do not find that the Learned Single Judge had erred in any manner in dismissing the writ petition wherein the order impugned had been upheld by authorities on the departmental side.

8. Resultantly, in the absence of any illegality or irregularity in the well reasoned order passed by the Learned Single Judge, we do not find any scope for interference. Accordingly, in view of the above discussion, finding no merit in the present appeal, same is hereby dismissed in limine.

(G.S. SANDHAWALIA)
ACTING CHIEF JUSTICE

04.04.2024
Sailesh

(LAPITA BANERJI)
JUDGE

Whether speaking/reasoned :	Yes	
Whether Reportable :		No