



IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

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CWP-26622-2019 (O&M)
Date of decision: 05.11.2024

Dalbir Singh

....Petitioner

Versus

State of Haryana and Others

...Respondents

CORAM: HON'BLE MR. JUSTICE AMAN CHAUDHARY

Present : Mr. Devender Punia, Advocate for the petitioner

Ms. Tanisha Peshawaria, DAG Haryana

AMAN CHAUDHARY, J. (ORAL)

1. The prayer made in the present petition is for quashing the impugned orders dated 13.12.2013, vide which services of the petitioner have been dismissed by invoking the Article 311(2) of the Constitution of India, dated 24.09.2015 and 06.02.2018, dismissing the first and second appeal preferred by him, respectively.
2. Learned counsel submits that the petitioner, who was appointed as driver on 22.02.1993, was dismissed from service after more than two decades, vide order dated 13.12.2013, on account of his conviction in the criminal case registered against him under Sections 279 and 304-A IPC, however in the appeal filed challenging the same, the sentence was reduced from 1 year to 6 months, which he duly served. The plea raised in the present petition is only on the ground of parity in terms of the punishment being sought with similarly situated driver Mehar Singh, who was also convicted for the same offences and had served the



Department for about 20 years, however while partially allowing his appeal the punishment was reduced to compulsory retirement, instead of removal. In this regard reference is made to the case of **Man Singh vs. State of Haryana¹**, wherein Hon’ble the Supreme Court had held that, “...The concept of equality as enshrined in Article 14 of the Constitution of India embraces the entire realm of State action. It would extend to an individual as well not only when he is discriminated against in the matter of exercise of right, but also in the matter of imposing liability upon him. Equals have to be treated equally even in the matter of executive or administrative action...”. He prays that the matter be reconsidered by the first Appellate Authority in a time bound manner, taking into account the aforesaid judgment.

3. Learned State counsel on instructions submits that the concerned authority would not be averse to having a relook at the matter.

4. As a fall out of the above, the first Appellate Authority is directed to pass an order afresh, taking note of the case of Mehar Singh, within a period of 4 months, after affording an opportunity of hearing to the petitioner. It is clarified that nothing observed hereinabove shall be construed to be an expression of opinion on the merits of the case.

5. Disposed of.

(AMAN CHAUDHARY)
JUDGE

05.11.2024
M.Kamra

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

¹ (2008) 12 SCC 331

