

2025:PHHC:057850



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

212

CWP-18237-2018

Date of Decision: 02.05.2025

RAJESH KUMAR

... Petitioner

VERSUS

STATE OF HARYANA AND ANOTHER

... Respondents

CORAM: HON'BLE MR. JUSTICE VINOD S. BHARDWAJ.

Present: Mr. Harkirat Singh, Advocate for
Mr. Vikram Singh Dhakla, Advocate
for the petitioner.

Mr. Tapan Kumar, DAG, Haryana.

VINOD S. BHARDWAJ, J. (ORAL)

Challenge in the present petition is to the order dated 12.07.2018 (Annexure P-5) passed by respondent No.2, whereby the services of the petitioner were terminated with immediate effect.

Learned counsel for the petitioner contends that the petitioner was appointed to the post of Keyman under Group-D with the respondent-Department vide appointment letter No.5491 dated 26.06.2014 and the petitioner had been working continuously since then with full sincerity and honesty. The counsel further contends that the respondent-Department served a show cause notice dated 06.06.2018 upon the petitioner intimating that the experience certificate as a helper submitted by him, from M/s Hi-Tech Business was not genuine as per the reply received from the partner in the said firm, wherein it was informed that the signature on the said experience

certificate was forged and did not belong to him. A reply to the said show cause notice was submitted by the petitioner to the respondent-Authorities pleading that the said experience certificate was issued by Balbir Singh son of Ratti Ram, Contractor, resident of Karnal, who is brother-in-law of Balbir Singh resident of Sonapat, and who was infact power of attorney of said Balbir Singh resident of Sonapat. It was averred that there was a dispute between both the partners, thus as a result thereof, the aforesaid wrong information has been submitted in the reply. He contends that notwithstanding the said reply, the respondent-Department dismissed the petitioner from service without initiating any proceedings under Rule 7 of Haryana Civil Services (Punishment and Appeal) Rules, 2016.

Aggrieved thereof, the instant writ petition has been filed.

Reply dated 29.11.2018 was filed by the respondents wherein it was specifically averred that condition No.7 in the letter of appointment prescribed condition for a candidate to produce all original certificates showing the age, educational qualification, experience and character before the Head Office and if at any stage, all or any of the said certificates are not found genuine, the services were liable to be terminated. The experience certificate submitted by the petitioner, on verification, was not found to be valid. The partner of the firm M/s Hi-Tech Business namely Balbir Singh son of Ratti Ram holding the Power of Attorney of other Balbir as well, responded vide letter dated 19.03.2018 that the said experience certificate had never been issued by him. The copy of the said reply had also been appended by the respondents alongwith the written statement. It is submitted that a show cause notice was also served upon the petitioner, to which a reply was also filed by

him, which was not satisfactory. The services of the petitioner were hence terminated after complying with principles of natural justice and by affording an opportunity of hearing to him. It is further contended that as per the judgment of the Hon'ble Supreme Court in the matter of *Union of India and others Vs. M. Bhaskaran and Others* reported as (1995) Supp. 4 SCC 100, if an employment has been secured by means of a fraud, it is voidable at the option of the employer.

The Hon'ble Supreme Court also held in the matter of *R. Vishwanatha Pillai Vs. State of Kerala and Others* reported as (2004) 2 SCC 105 that there would be no requirement of following the provisions of Article 311 of the Constitution of India or to extend such protection to such a person who has procured the public employment through fraudulent means or on the strength of forged documents.

I have heard the learned counsel for the respective parties and have gone through the documents and other material available on record with their able assistance.

The sole ground for removal of the petitioner from service was that the experience certificate submitted by him and claimed to be obtained from M/s Hi-Tech Business was not valid. The respondent-State filed its reply in the year 2018 and alongwith the same, it also appended the response received from the partner of the abovementioned firm that no experience certificate was ever issued in favour of the petitioner. Notwithstanding the said reply alongwith the documents having been filed before this Court in the year 2018, no replication/rejoinder has been filed by the petitioner for a period of nearly seven years. The version of the petitioner at best remains a version of

defence giving rise to disputed questions of facts, which cannot be examined or gone into by this Court at this stage.

The present writ petition is accordingly dismissed at this stage involving disputed questions of fact.

The petitioner may, if so advised, take recourse to the alternative remedy(ies) available to him in accordance with law. The observations recorded herein are solely for consideration of the writ jurisdiction and would have no bearing on merits of the case, should the petitioner choose to avail the alternative remedy(ies). The said Authority shall decide the case on the basis of evidence led before it.

MAY 02, 2025.
Rajender

(VINOD S. BHARDWAJ)
JUDGE

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