

Lachhman Dass Vs. V.

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Court : Punjab and Haryana

Decided On : Sep-04-2013

Appellant : Lachhman Dass

Respondent : V.

Judgement :

C.W.P No.3867 of 1999 (O&M) ::1:: IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH C.W.P No.3867 of 1999 (O&M) Date of decision : September 04, 2013 Lachhman Dass,Petitioner v.

State of Haryana and otheRs.....Respondents *** CORAM : HON'BLE MR.JUSTICE AJAY TEWARI *** Present : Mr.V.K.Vashishta, Advocate for the petitioner.

Ms.Shruti Goel, AAG Haryana for the respondents.

*** 1.

Whether Reporters of Local Newspapers may be allowed to see the judgment ?.

2. To be referred to the Reporters or No.?.

3. Whether the judgment should be reported in the Digest ?.

*** AJAY TEWARI, J (Oral) By this writ petition, the petitioner has challenged the order dated 16.10.1998 (Annexure P-2) whereby his representation against the

termination of his services was accepted and in place thereof, order of recovery of loss caused with 12% interest was passed.

It was further declared that the period when he remained out of service be treated as leave of the kind due without pay and allowances.

The allegations against the petitioner were that he had forged an order of the Transport Commissioner by adding a line therein and had committed various other illegalities to give benefit to his brother Ranjit Singh who was also serving in the same department.

The following charges Kumar Kishan 2013.09.09 10:58 I attest to the accuracy and integrity of this document High Court Chandigarh C.W.P No.3867 of 1999 (O&M) ::2:: were framed against the petitioner :- 1) That Shri Lachhman Dass drafted the fraudulent speaking order dated 7.1.1991 in the name of the Transport Commissioner, and added a line in the same and had done the totals of periods in the letter No.224/ECM dated 6.2.1991 of General Manager, Haryana Roadways, Karnal, in his own handwriting and colluded with Shri S.S Bedi, Deputy District Attorney, in order to give undue financial gains to his brother Shri Ranjit Singh.

2) That Shri Lachhman Dass hatched a conspiracy in collusion with S/Shri S.S Bedi, Deputy District Attorney Subhash Sharma, E.O (P) and other dealing officials in order to give undue benefit to his brother Shri Ranjit Singh and caused a loss of Rs.1.30 lac to the State exchequer.

3) That Shri Lachhman Dass, the then Superintendent Establishment-I, signed a letter No.1410/AES/E.II, dated 14.1.1991, forwarding the service book of his brother Shri Ranjit Singh, Ex.

Booking Clerk, Haryana Roadways, Karnal though the case of Shri Ranjit Singh was to be dealt with by Establishment-II branch.

It may be pointed out here that no meaningful challenge has been made to the finding of guilt of the petitioner in the above mentioned charges.

The only argument raised by counsel for the petitioner is that once the termination of the services of the petitioner was set aside, he could not have been deprived of pay and allowances for the period he remained out of service.

Counsel for the respondents, on the other hand, has stated that once the guilt of the petitioner had been established in a serious offence regarding forging an official order, the termination of his services was set aside only in view of his long service and as an act of mercy.

Otherwise, the action of the petitioner deserved the punishment of dismissal.

In my considered opinion, the argument of counsel for the Kumar Kishan 2013.09.09 10:58 I attest to the accuracy and integrity of this document High Court Chandigarh C.W.P No.3867 of 1999 (O&M) ::3:: respondents carries weight.

It cannot be lost sight of that the petitioner was working as a Superintendent in the office of the Transport Commissioner.

He was the fulcrum of that office and for such a person to forge a government order to give undue benefit to his brother is a gross misconduct for which even the punishment of dismissal cannot be held to be disproportionate.

In these circumstances, the contention of counsel for the respondents that the representation of the petitioner was allowed only as an act of mercy and in view of his long service so that his dependents should not be denied the pensionary benefits, no fault can be found with the impugned order.

Consequently, finding no merit in this writ petition the same is dismissed with no order as to costs.

(AJAY TEWARI) September 04, 2013.

JUDGE `kk' Kumar Kishan 2013.09.09 10:58 I attest to the accuracy and integrity of this document High Court Chandigarh

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