IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

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CIVIL WRIT PETITION NO.37499 OF 2019
DATE OF DECISION: JANUARY 06, 2020

Inderjit Singh

.....Petitioner

VERSUS

The State of Punjab and another

....Respondents

CORAM:- HON'BLE MR.JUSTICE AUGUSTINE GEORGE MASIH

Present: Mr. Abhaysher Singh, Advocate,
for the petitioner.

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AUGUSTINE GEORGE MASIH, J. (ORAL)

Petitioner has approached this Court, challenging the order dated 07.11.2019 (Annexure P-6) passed by the Director, Social Security and Women and Child Development Department, Punjab-respondent No.2, whereby his services have been terminated.

Briefly, the facts are that the petitioner was appointed as a Driver on 89 days basis in the office of Chief Development Project Officer, Phagwara, District Kapurthala, on 21.03.1995. As per the allegation against the petitioner, he unauthorizedly took the Government jeep bearing No.PB-13H-1100 to his village Ghanauri Kalan and raised a dispute in the village under the influence of liquor, due to which he alongwith the jeep remained in police custody. Vide order dated 19.07.2004 (Annexure P-4), his services

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were terminated, against which he preferred Civil Writ Petition No.8246 of 2005 (Inderjit Singh Vs. State of Punjab and others). This Court, on 24.05.2019, passed the following order:-

"*Heard.*

Considering the act and conduct of the petitioner, which is evident from the fact that criminal proceedings were initiated against him and he also remained in police custody, is a strong circumstance against the petitioner.

However, considering the fact that the impugned order of termination dated 19.07.2004 (Annexure P-6) is stigmatic in nature and has been passed without affording any opportunity of hearing to the petitioner, therefore, the same is quashed and the respondents are directed to pass a fresh order as per law after affording opportunity of hearing to the petitioner.

Disposed of ."

After passing of the said order, the petitioner was given an opportunity to file a response to the allegations. He was asked to appear in the office of the respondents vide communication dated 24.07.2019. Accordingly, the petitioner appeared and submitted his reply regarding his termination. Thereafter, next date of hearing was fixed as 13.08.2019. The reply, which he had submitted, has been reproduced in the impugned order. The reasons, which have been given by the petitioner as also the justification assigned by him, have been duly considered by the competent authority and it came to a conclusion that the order which had been passed earlier i.e. Dated 19.07.2004 (Annexure P-4) was in accordance with law and fully justified, especially keeping in view the fact that the petitioner had

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unauthorizedly taken the Government jeep bearing registration No.PB-13H-1100 to his village Ghanauri Kalan. As per the medical examination, the petitioner was found to be under the influence of alcohol and in that condition he had a fight with one Dev Singh son of Sadhu Singh, because of which proceedings under Section 107/151 Cr.P.C. were initiated against him. Not only the petitioner but the Government jeep was also kept in police custody from 02.06.2000 to 06.06.2000. The reply, which has been submitted by the petitioner, has not been found to be satisfactory and accordingly it was held that the services of the petitioner have been terminated in accordance with law.

Learned counsel for the petitioner has primarily asserted that the allegation, which has been attributed to the petitioner, has nothing to do with his work which he was performing as he is asserted to have unauthorizedly taken the vehicle of some other Department.

This assertion of counsel for the petitioner cannot be accepted in the light of the fact that although the petitioner was a Driver but he having unauthorizedly taken the vehicle of some other department to his village where he was taken in custody alongwith the Government jeep under the influence of alcohol, while he entered into a fight with his co-villager leading to initiation of security proceedings under Sections 107/151 Cr.P.C., which is supported by the report of the police officials. Admittedly the petitioner was working as a Driver with the respondent-Department and had indulged in above act cannot be said to be unrelated to his work. In any case he having committed such an act, where Government vehicle was taken by him without any permission or any authority of law, termination of his services cannot be said to be illegal, especially when he was working on

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temporary basis and that too on 89 days basis according to his terms of appointment.

Assertion has also been made that the services of the petitioner have been terminated at a stage when the petitioner would have been entitled to regularization of his services because of the issuance of instructions by the Government for regularization of temporary employees who were working on 89 days basis.

The said assertion also cannot be accepted in the light of the fact that the petitioner's services have been terminated in accordance with law, as per his appointment letter and keeping in view his conduct which has been found to be totally unbecoming of a Government employee who has taken law into his hands and taken away the Government vehicle without any authority and thereafter after having consumed alcohol, entered into a dispute with a co-villager, which led to not only he being in custody of the police but also the Government vehicle.

Learned counsel for the petitioner then referred to the judgment passed by Coordinate Bench in Suresh Kumar Vs. Union of India and others, 2019 (4) S.C.T. 516 to contend that the termination of services of the petitioner, who was found to be under intoxication was disproportionate and harsh as compared to the attributed misconduct.

This contention also is unacceptable keeping in view the fact that the facts as mentioned in Suresh Kumar's case (supra) are totally different as in the said case, the petitioner was travelling in a train where the dispute had arisen, when he was under the influence of intoxicant and that process had nothing to do with his work, duties and responsibility. It may be added here that this was not a case where the employee had, without any

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authority, taken away the Government property/vehicle and indulged into misconduct.

In the light of the above, finding no merit in the writ petition, the same stands dismissed.

January 06, 2020 **(AUGUSTINE GEORGE MASIH)**
khurmi **JUDGE**

Whether speaking/reasoned:	Yes/No
Whether Reportable:	Yes/No

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