

(34) (11)
~~Convicted Employees~~
IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH

CWP No. 11537 of 2008
Date of Decision: 18.11.2008

H.C.Arora

..Petitioner

versus

State of Haryana

..Respondents

**CORAM: HON'BLE MR. JUSTICE T.S.THAKUR, CHIEF JUSTICE
HON'BLE MR. JUSTICE JASBIR SINGH**

1. Whether Reporters of local papers may be allowed to see the judgment ?
2. Whether to be referred to the Reporters or not ?
3. Whether the judgment should be reported in the Digest?

Present : Mr. H.C.Arora, Advocate, petitioner in person

Mr. Rameshwar Malik, Addl. A.G. Haryana
for the respondents

T.S.Thakur, C.J. (Oral)

CM No. 22472 of 2008

Counter affidavit filed by respondents No.1 and 2 is taken on
record and C.M. disposed of.

CWP No. 11537 of 2008

This petition has been filed in public interest. It prays for a
mandamus directing respondent-State of Haryana to take appropriate action
against the employees who have been convicted under the provisions of
Prevention of Corruption Act but are continuing in service despite the said
conviction.

In response to the notice issued by this Court, respondent-State
of Haryana has filed a counter affidavit on 7.11.2008 and enclosed a list of
20 employees who have been convicted under the Prevention of Corruption
Act and are working in different departments of the government of Haryana.
Mr. Malik, learned Addl. Advocate General appearing for the respondent-

State of Haryana submits that out of 20 employees mentioned in the said statement, conviction of as many as 12 has been stayed by the Appellate Court. No action against the said employees can, therefore, be taken by the State Government on the basis of their conviction. As regards the remaining eight employees, Mr. Malik submits that although sentence of said employees has been suspended by the competent Courts, the competent authority would have no difficulty in examining their cases in terms of the provisions of relevant Rules to determine whether they need to be dismissed from services.

In the light of the statement, we consider it wholly unnecessary to continue the present proceedings on our board. All that we need say is that the competent authority in the State Government shall consider, on an objective assessment of the gravity of the charges framed against the convicted employees, whether or not the employees deserve to be removed from service on account of their conviction and having regard to the fact that their conviction has not been suspended by the Appellate Court. The needful shall be done by the competent authority expeditiously but not later than three months from today. The writ petition is accordingly disposed off with the above directions and observations leaving the parties to bear their own costs.

Copy of the order be given dasti to Mr. Malik under the signatures of Bench Secretary.

(T.S.THAKUR)
CHIEF JUSTICE

(JASBIR SINGH)
JUDGE

18.11.2008
'ravinder'