

ORDER

1. A case FIR No. 12 dated 29.6.2013, under sections 7, 8, 13 of the Prevention of Corruption Act, 1988 was registered at Police Station, State Vigilance Bureau, Rohtak against S/Sh. Ashok Kumar, Labour Inspector, Balwan Singh, Labour Officer, Circle-2, Sonapat and Sanjay Kumar on the complaint made by Sh. Vivek Gupta, owner M/s Relemek Technology, Plot No. 92, Phase-IV, Sector-56, Kundli son of Sh. Surender Gupta resident of H.No. 1449/27, Durga Puri, Delhi.
2. Sh. Ashok Kumar was placed under suspension w.e.f. 2.7.2013 vide order dated 11.7.2013 issued under Endst. No. Estt/01/2013/21742-47 dated 12.7.2013 by my predecessor Labour Commissioner and he is still under suspension.
3. That the then Appointing / Punishing Authority (Labour Commissioner, Haryana) vide his order dated 14.8.2013 accorded sanction to prosecute Sh. Ashok Kumar under sections 7 and 13 of the Prevention of Corruption Act, 1988.
4. That after obtaining sanction of prosecution, the Police filed challan in the court and the learned Additional Sessions Judge, Sonapat vide his judgment dated 10.6.2016 held the accused guilty of the offence under section 7 and 13(1)(d) of the Prevention of Corruption Act, 1988 and convicted him. Operative part of judgment is reproduced below:-

“In view of above discussion, it is held that prosecution has succeeded in proving its case beyond reasonable doubt against accused Balwan Singh, Ashok Kumar and Sanjay Kumar. Accused Balwan Singh and Ashok Kumar are, therefore, held guilty for commission of offence punishable under Section 7 and 13(1)(d) of the Prevention of Corruption Act and accused Sanjay is held guilty for commission of offence punishable under Section 8 of the said Act and accordingly are convicted thereunder. Now to come upon 14.6.2016 for hearing accused on quantum of sentence. Accused be taken in custody since all the offences are punishable with a jail term for more than three years.”



5. That the learned Additional Sessions Judge, Sonapat vide his order dated 14.6.2016 announced the sentence to Sh.Ashok Kumar to undergo rigorous imprisonment for a period of four years under section 7 of the Prevention of Corruption Act, 1988 and for four years under section 13(1)(d) of the Act ibid alongwith a fine of Rs.10,000/- each for both the offences. The learned Court further ordered if the fine imposed by the Court is not paid then accused shall undergo imprisonment for a further period of two months.

6. The provisions contained in rule 7(2)(b) of the Haryana Civil Services (Punishment and Appeal) Rules, 1987 and Article 311(2) of the Constitution of India provide that major penalty can be imposed upon the employee on the ground of conduct which has led his conviction on a criminal charge, without holding any departmental enquiry.

7. Having examined the case, I am of the considered opinion that the offence of demanding and accepting bribe by Sh.Ashok Kumar, Labour Inspector for the discharge of his official duties was a very serious misconduct on his part. This was totally unbecoming of a Government servant. He committed the act of moral degradation. He was paid salary and other benefits for performing his official duties. Demanding and accepting bribe is a totally extraneous function. This act of demanding and accepting bribe by Sh. Ashok Kumar has been held duly proved by the Court of learned Additional Sessions Judge, Sonapat and he has been convicted for these offences. The offences are so serious that no lenient view can be taken in this case. It shall not be in the public interests to retain such a person in public service. Hence, Sh.Ashok Kumar deserves the punishment of dismissal from services.

8. Accordingly, Sh. Ashok Kumar, Labour Inspector of this department is hereby dismissed from Government services with

immediate effect under rule 7(2)(b) of the Haryana Civil Services (Punishment and Appeal) Rules, 1987 read with proviso (a) of Article 311 (2) of the Constitution of India without holding any departmental enquiry.

Dated: 30.9.2016

(PANKAJ AGARWAL)
LABOUR COMMISSIONER, HARYANA.

(By Regd)
To

Sh. Ashok Kumar,
S/o Sh. Umed Singh
VPO Sarfabad, Teh. Safindon,
District, Jind

Endst. No. : Estt/04/2016/ 3424048 Dated: 30/9/16

A copy is forwarded to the following for information & necessary action:-

- 1 Chief Secretary to Government, Haryana, (General Service Branch).
 - 2 Principal Secretary to Govt., of Haryana Labour Department.
 - 3 Registrar, Hon'ble Punjab and Haryana High Court.
 - 4 Director General, State Vigilance Bureau, Haryana, Panchkula.
 - 5 Superintendent of Police, State Vigilance Bureau, Rohtak Range, Rohtak.
 - 6 Accountant General of Haryana, Chandigarh.
 - 7 Deputy Labour Commissioner, Panipat.
 - 8 Treasury Officer, Panipat.
- ✓ 9. I.T. Cell

P. Kumar
Deputy Superintendent (Estt)
for Labour Commissioner, Haryana
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