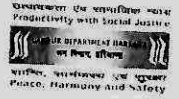




GOVERNMENT OF HARYANA / हरियाणा सरकार

LABOUR DEPARTMENT HARYANA
श्रम विभाग हरियाणा

Off.: 30 Boys Building, 1st floor, Sector 17-B, Chandigarh-16001 (India) Tel: 91(0172)2701337 Fax: 91(0172)2701266
ऑफिस: 30 बॉय बिल्डिंग, प्रथम तल, सेक्टर 17-बी, चण्डीगढ़ - 160017 (भारत) दूरभाष: 91(0172)2701337 फैक्स: 91(0172)2701266



ORDER

1. Sh. Ram Mehar, Junior Scale Stenographer (under Suspension), while posted in the office of Deputy Labour Commissioner, Hisar was arrested by the police on 24.09.2013, in a case FIR No. 1115 dated 11.9.2013, under sections 420, 467, 465, 468, 471, 34, 406, 201 of IPC registered at Police Station, City Hisar. On this, he was placed under suspension w.e.f. 24.9.2013 vide order dated 9.10.2013 issued under Endst. No. Estt04/2013/31060-63 dated 9.10.2013 by then Labour Commissioner, Haryana by fixing his headquarters at O/o Deputy Labour Commissioner, Hisar. Thereafter in continuation of order dated 09-10-2013, vide order dated 07-01-2015 his headquarters was fixed at O/o Dy. Director, Industrial Safety and Health, Panipat and he is still under suspension.

2. Thereafter, the Police filed challan in the competent court of law and the Ld. Judicial Magistrate, Ist Class, Hisar vide his judgment dated 16.3.2020 was pleased to hold Sh. Ram Mehar, guilty for commission of offences punishable under sections 420 read with section 34 IPC and 467, 468 and 471 of IPC. Further, the Ld. Judicial Magistrate, Ist Class, Hisar vide its separate order dated 02.12.2020 sentenced Sh. Ram Mehar as under -

Under section	Sentence	Fine in Rs.	In default of payment of fine
420 IPC	SI for two years	Rs.5,000/-	SI for two months
467 IPC	SI for three years	Rs.10,000/-	SI for four months.
468 IPC	SI for two years	Rs.5,000/-	SI for two months
471 IPC	SI for two years	Rs.5,000/-	SI for two months

3. Though, aggrieved with the above said orders passed by the Ld. Judicial Magistrate, Ist Class, Hisar, Sh. Ram Mehar has filed an appeal before the court of Ld. Addl. Sessions Judge, Hisar and Ld. Addl. Sessions Judge, Hisar vide order dated 22.12.2020 was pleased to order suspension of

sentence during the pendency of appeal, but did not grant any stay of the conviction during the pendency of appeal.

4. In such situation, the provisions contained in rule 7(A)(16), proviso 2 of the Haryana Civil Services (Punishment and Appeal) Rules, 2016 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 to his conviction on a criminal charge, without holding any departmental enquiry. Further Govt. instruction dated 26.09.2008 provides that even if, the sentenced is suspended by the Hon'ble Court in that case also the delinquent official can be dismissed / removed from the services.

5. Having examined the case, I am of the considered view that the act and conduct of Sh.Ram Mehar, Junior Scale Stenographer (under suspension) playing an organized fraud over the complainants amounts to serious misconduct. This action of the official was unbecoming of a Government servant. He committed the act of moral degradation. This act of fraud duly proved by the court of Ld. Judicial Magistrate, 1st Class, Hisar vide its judgment dated 16.03.2020 and he has been convicted and awarded sentence as aforementioned. The offence is so serious that no lenient view can be taken in this case. It shall not be in the public interest to retain such a person in Government service. The offence committed by Sh. Ram Mehar, Junior Scale Stenographer (under suspension) also fall under the category of 'moral turpitude'.

6. Accordingly, Sh.Ram Mehar, Junior Scale Stenographer (under suspension) is hereby dismissed from Government service with immediate effect i.e. 10.03.2021 in terms of rule 7(A)(16) proviso 2 of the Haryana Civil Services (Punishment and Appeal) Rules, 2016 read with proviso (a) of Article 311 (2) of the Constitution of India without holding any departmental enquiry.

Dated:10 03.2021


(Pankaj Agarwal)
Labour Commissioner, Haryana.

Endst. No.:- Estt/03/2021/6886-7086

Dated: 25-3-21

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

- 1 Addl. Chief Secretary, Govt. Of Haryana, Labour Department.
- 2 All the Heads of the Departments in the State Haryana.
- 3 All the Managing Directors of Boards/Corporations of the Haryana State.
- 4 All the Deputy Commissioners of the Haryana State.
- 5 The Registrar, Punjab & Haryana High Court Chandigarh.
- 6 The Director General of Police, Haryana.
- 7 Deputy Director, Industrial Safety & Health, Panipat.
- 8 Deputy Labour Commissioner, Hisar.
- 9 Treasury Officer, Panipat and Hisar.
- 10 Ram Mehar, Junior Scale Stenographer (under Suspension) O/o Deputy Director, Industrial Safety & Health, Panipat.
- 11 Ram Mehar, Junior Scale Stenographer (under Suspension) S/o Sh. Dharam Pal R/o VPO Rajpura, Tehsil Narnaund, District Hisar, Haryana **(through Regd. Post)**
- 12 Office Order file.
- 13 Personal File.

Miz
Addl. Labour Commissioner(Admn)
For Labour Commissioner, Haryana
SR