

PUNJAB STATE ELECTRICITY BOARD

From

The Secretary,  
Punjab State Elec. Board,  
PATIALA.

To

1. All the CEs/SEs/XENs, PSEB.
2. All the Directors/Dy. Directors, PSEB,
3. All the Dy. Secretaries/Under Secretaries, PSEB.

Memo. No. 35573/36088 /LB-3(24)128/86

Dated Patiala the 10th/March, 1987

**SUBJECT:- DISMISSAL FROM SERVICE FOLLOWING CONVICTION IN A COURT OF LAW.**

I am directed to invite a reference to the Board's circular memo. No. 23149/23418/LB-3(24)79/128 dt. 18/21.3.80 on the above subject wherein it had been clarified that a person convicted of a criminal charge in the court of law may be given a hearing and that thereafter suitable order on merits of the case may be passed. For the purpose of the said clarification the law laid down by the Supreme Court of India in AIR 1975- S.C. 2216 (The Divisional Personnel Officer, Southern Railway and another Vs. T.R. Challappan) was relied upon wherein it was held that hearing on conviction is a must and all the circumstances must be carefully considered by the Punishing Authority.

Recently the Supreme Court of India in Union of India and another Vs. Tulsi Ram Patel and other 1985(II) All India Services Law Journal-145 held as under:-

"Where a disciplinary authority comes to know that a Govt. servant has been convicted on a criminal charge it must consider which has led to his conviction, whether it was such as warrants imposition of penalty and if so what penalty should be. For that purpose it will have to pursue the judgement of the criminal court and consider all the facts and circumstances of the case and various factors set out in the Divisional Personnel Officer, Southern Railway and another Vs. T.R. Challappan. It has,

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however, to be done by it *ex parte* and by itself. Once a disciplinary authority reaches the conclusion that the Govt. servant's conduct was such as to require his dismissal or removal from Service or reduction in rank he must decide which of three penalties should be imposed on him. This too, it has to do by itself and without hearing the concerned Govt. Servant by reason of the exclusionary effect of 2nd provision (to the Constitution's Art. 311(2))".

The law laid down by the Supreme Court of India in T.R. Challappan's case, which was relied upon in the above referred instructions/clarification was taken into consideration by the S.C. in U.O.I. & another Vs. Tulsi Ram Patel and another and was overruled as not good law.

In view of the above, it is, therefore, requested. In future, the case may be dealt with in accordance with the procedure laid down in Supreme Court Judgement in U.O.I & another Vs. Tulsi Ram Patel & another without giving any opportunity of hearing to the official concerned.

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for Under Secretary/Legal,  
Secretary, PSEB, Patiala.

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Endst. No 36089/36269 /LB-3(24)128/86 dt. 10th, March/87

Copy of the above is forwarded to the following information and necessary action:-

1. The C.A.O/C.A., PSEB, Patiala.
2. The F.A/L.A., PSEB, Patiala.
3. The D.I.G/V&S, PSEB, Patiala.
4. The L.A.C., /I.R.O., PSEB, Patiala.
5. All the Sectional Heads in H.O.
6. The C.P.O/All the P.Ss, PSEB,

*h/l*  
9/3/87

for Under Secretary/Legal,  
Secretary, PSEB, Patiala.

\*SINGLA\*

9.3.87.