Rule 6(iv) of 1999 Rules is that the only service qualified for pension rendered by an employee in the State of Haryana on an aided post in any affiliated college under the same management would qualify for pension. Such a course as offered by the petitioner is available under Rules 17 and 18 of the 1999 Rules to the employees who have worked in the State of Haryana on an aided post. Therefore, it is not possible to declare the Rules as violative of Article 14 and 16(1) of the Constitution.

(14) There is another aspect of the matter, which would in any case disentitle the petitioner. Admittedly, the petitioner has rendered service on an aided post in the College at Ludhiana in Punjab State from 10.07.1968 to 28.07.1981. For the purposes of Career Advancement Scheme, the benefit of past service has been given to her and she has been paid senior scale/ selection grade. Accordingly, she has already been given the benefit of past service and her pay has been upgraded by taking into account that service. Once it is so, then a substantive relief stand granted to her. The aforesaid issue has attained finality and therefore, she should feel content with the benefit already given to her. Moreover, the judgment of the learned Single Judge in Rajeshwar Aggarwal's case (supra) has already decided the issue.

(15) As a sequel to the above discussion, this writ petition fails and the same is dismissed.

P.S. Bajwa

Before Permod Kohli, J.

DILSHAD ALI,—*Petitioner*

versus

STATE OF PUNJAB AND ANOTHER,—*Respondents*

C.W.P. No.13228 of 2009

30th May, 2011

Constitution of India - Art. 226/227 & 311 - Probation of Offenders Act, 1958 - S.12 - Indian Penal Code - S.406 & 498A - Punjab Civil Services (Punishment and Appeal) Rules, 1970 - Rl.5(ix), 8 - Petitioner convicted for offences under Section 406 & 498-A IPC - In appeal, conviction maintained, though petitioner released on probation - Petitioner dismissed from service as a consequence of

his conviction - Challenge to order of dismissal on three grounds;(a) conviction not for an offence involving moral turpitude, (b) dismissal being a major penalty, could not be imposed without holding an inquiry, (c) since petitioner was released on probation he was not liable to be dismissed from service - All three contention repelled - Order of dismissal upheld.

Whether release on probation will take case of a delinquent official out of rigour of second proviso to Art. 311(2)(a) and whether offences under section 406 and 498-A IPC involve moral turpitude - Offences involve moral turpitude and release on probation will not take case of a delinquent official out of regour of second proviso to article 311(2)(a) - Petition dismissed.

Held, That in view of the above judgments, the Hon'ble Supreme Court has clearly and categorically ruled that an employee convicted for a criminal charge can be dismissed from service either by initiating disciplinary proceedings or otherwise even without disciplinary proceedings.

(Para 18)

Further held, That In so far as the question of impact of release on probation is concerned, there is catena of judgments wherein it has been held that release on probation does not wash away his conviction.

(Para 25)

Further held, That in view of the above, release of the petitioner on probation cannot come to his rescue nor does it provide a ground for setting aside his conviction which otherwise stands even on release on probation.

(Para 28)

Further held, That applying the underlying objective of the expression "moral turpitude" it can be safely inferred that where the act of an employee is deceitful and does not reflect modesty, honesty or good morals, it has to be construed as an act of "moral turpitude". Persons convicted for misappropriation of even his wife's property and asking for dowry by using coercive methods, definitely indulges in an act of dishonesty and is contrary to all canons of modesty and good morals. It is the greed of the husband

and greed can never be an honest approach and definitely leads to something which is against good morals.

(Para 31)

Further held, That in view of the above instances, I am of the considered opinion that it was not necessary for the authorities to hold any enquiry against the petitioner after his conviction before passing the order of dismissal. There is no merit in the present petition and the same is hereby dismissed with no order as to costs.

(Para 32)

RK Malik, Senior Advocate, with Vikas Chatrath, Advocate, *for the petitioner.*

Charu Tuli, Senior D.A.G., Punjab, *for the respondents.*

PERMOD KOHLI, J.

(1) The petitioner while serving as a Lecturer in Geography, was involved in an FIR No.246 dated 07.12.1996 for the commission of offences punishable under Sections 406 and 498-A of the Indian Penal Code, registered at Police Station, Sarabha Nagar, Ludhiana. Charge-sheet was filed in the Court of learned Judicial Magistrate Ist Class, Ludhiana. On the conclusion of the trial, he was convicted for both the offences and was awarded sentence to undergo Rigorous Imprisonment for a period of six months and to pay a fine of Rs.500/- under Section 406 of the Indian Penal Code and in default of payment of fine to further undergo rigorous imprisonment for seven days. He was further sentenced to undergo rigorous imprisonment for six months and to pay a fine of Rs.500/- under section 498-A of the Indian Penal Code and in default of payment of fine to further undergo rigorous imprisonment for seven days.

(2) The petitioner preferred Criminal Appeal No.18 of 04.05.2004 before the learned Additional Sessions Judge, Ludhiana. Learned counsel for the petitioner did not contest the appeal on merits and only prayed for release of the accused-petitioner on probation, pleading that he is the only bread earner of the family. It was further pleaded that the petitioner's wife had already taken divorce from him and he is working as a Lecturer.

On this statement being made, the learned Additional Sessions Judge, Ludhiana, while upholding the judgment of the learned Trial Court, ordered the release of the petitioner on probation on furnishing a bond in the sum of Rs.10,000/- with one surety in the like amount for a period of one year and to keep peace and be of good behaviour and to come and receive sentence as and when called upon to do so, vide order dated 20.08.2008. By releasing the petitioner on probation, his appeal was dismissed.

(3) On his conviction in the aforementioned criminal case for the offences under Sections 406 and 498-A of the Indian Penal Code, the petitioner has been ordered to be dismissed from service vide the impugned order dated 19.11.2008. Legality and validity of the impugned order dated 19.11.2008 (Annexure P-2) is under challenge in the present writ petition.

(4) The challenge to the order is, primarily, on the following grounds:-

(i) Mere conviction of an employee for a criminal offence is not enough to order dismissal from service unless the employer is of the opinion that the conduct of the government employee leading to his conviction involves moral turpitude.

(ii) Dismissal being a major penalty, under Rule 5 (ix) of the Punjab Civil Services (Punishment and Appeal) Rues, 1970 (hereinafter referred to as the Rules), no major penalty can be imposed without serving a charge sheet and holding an enquiry in accordance with the procedure prescribed under Rule 8 of the Rules.

(iii) The petitioner having been released on probation is not liable to be dismissed from service.

(5) From the perusal of the impugned order dated 19.11.2008 (Annexure P-2), it is evident that dismissal of the petitioner from service is solely on his conviction in the criminal offence and the government instructions dated 05.08.1998, which, inter-alia, permit the dismissal of the government employee on his conviction without any departmental enquiry.

(6) I have heard the learned counsel for the parties at length.

(7) Dismissal of an employee on his conviction on a criminal charge is contemplated in Article 311 (2), clause (a) to second proviso of the Constitution of India. The same is reproduced hereunder:-

> "311. Dismissal, removal or reduction in rank of persons employed in civil capacities under the Union or a State
>
> (1) No person who is a member of a civil service of the Union or an all India service or a civil service of a State or holds a civil post under the Union or a State shall be dismissed or removed by a authority subordinate to that by which he was appointed
>
> (2) No such person as aforesaid shall be dismissed or removed or reduced in rank except after an inquiry in which he has been informed of the charges against him and given a reasonable opportunity of being heard in respect of those charges.
>
> Provided that where it is proposed after such inquiry, to impose upon him any such penalty, such penalty may be imposed on the basis of the evidence adduced during such inquiry and it shall not be necessary to give such person any opportunity of making representation on the penalty proposed :
>
> Provided further that this clause shall not apply (a) where a person is dismissed or removed or reduced in rank on the ground of conduct which has led to his conviction on a criminal charge; or"

(8) Under Article 311 (2) of the Constitution of India, dismissal or removal or reduction in rank of a member of civil service is permissible only after an enquiry and providing an opportunity of being heard in respect of the charges. Second proviso, however, categorically excludes the application of clause (2) of Article 311 of the Constitution of India, where a person is dismissed or removed or reduced in rank on the ground of conduct which has led to his conviction on a criminal charge. It is interpretation of these provisions which is the subject matter of controversy in the present writ petition.

(9) Learned Senior Counsel appearing for the petitioner has relied upon various judgments in support of his contention that termination of a government employee from service merely on conviction for a criminal offence, without reference to the conduct of the employee which led to his conviction, is not sustainable. The judgments relied upon by the petitioners are being noticed hereunder:-

Om Parkash, Postman Vs. The Director Postal Services (Posts and Telegraphs Department) Punjab Circle, Ambala and ors. (1).

(10) A Full Bench of this Court in the above said case, considered the validity of the order of dismissal of the government employee on his conviction and release on probation under the Probation of Offenders Act. The employee was convicted for offences under Sections 420/511/465/471 of the Indian Penal Code, wherein it has been held as under:-

"As we have decided to set aside the impugned order on this ground it is not necessary to deal with the fourth submission of Mr. Harbans Lal about the appellate order upholding the order of dismissal being bad on account of non compliance with the requirements of rule 27 of the 1965 Rules, inasmuch as it has not dealt with the justification for the quantum of punishment.

For the foregoing reasons, it is held that :

(i) The departmental punishment of removal or dismissal from Government service is not an essential and automatic consequence of conviction on a criminal charge.

(ii) the authority competent to take disciplinary action under rule 19 (i) of the 1965 Rules against a Central Government servant convicted on a criminal charge has to be consider all the circumstances of the case and then to decide (a) whether the conduct of the delinquent official which led to his conviction is such as to render his further retention in public service undesirable; (b) if so, whether to dismiss him or to remove him from service or to compulsorily

(1) 1971 (1), S.L.R., 648

retire him; and (c) if the said conduct of the official is not such which render his further retention in service undesirable, whether the minor punishment, if any should be inflicted on him.

(iii) to be punished departmentally for misconduct is not a "disqualification" within the meaning of section 12 of the Act, but is a liability under the relevant service rules;

(iv) XX XX

(v) The liability to be departmentally punished for conduct which has led to the conviction of the employee does not attach to the conviction, but attaches to the original conduct (Misconduct) which constituted the offence of which the official has been convicted;

(vi) XX XX

(vii) Whereas in the case of a conviction, the application of the purview of Article 311 (2) is excluded by proviso (a) to that provision and the application of rules 14 to 18 of the 1965 rules is excluded by rule 19 (i) of those rules, the application of the principles of natural justice is excluded by the proviso to Article 311 (2) read with the purview of Article 310 and by the operation of rule 19 in view of the fact that the concerned Government servant must naturally have had full opportunity to defend himself in the Criminal Court, where the conviction can be recorded only after returning a finding of guilt on the basis of a much higher standard of proof than that which is enough for punishing a person in departmental proceedings;

(viii) Section 12 of the Act does not wash away or obliterate the conduct of the employee which has led to his conviction, and does not, therefore, give him any immunity against departmental proceedings, nor exonerates him from his liability to departmental punishment for such conduct if it amounts to misconduct under the relevant services rules;

(ix) (x) (xi) XX XX

(xii) an order of dismissal or removal or for compulsory retirement can be passed under rule 19 (i) (without conforming to the procedure prescribed in rules 14 to 18) not on the basis of the conviction, out only if the competent authority finds that the relevant misconduct of the concerned Government servant renders his further retention in public service undesirable; and

(xiii) an order imposing a punishment on a Government servant simply because of his conviction on a Criminal charge without reference to the conduct which led to the conviction cannot be sustained."

(11) In **Union of India *versus* Tulsi Ram Patel (2),** the Hon'ble Supreme Court while considering the issue of imposition of penalty on conviction observed as under:-

"Where a disciplinary authority comes to know that a government servant has been convicted on a criminal charge, it must consider whether his conduct which has led to his conviction was such as warrants the imposition of a penalty and, if so, what that penalty should be. For that purpose, it will have to peruse the judgment of the criminal Court and consider all the facts and circumstances of the case. Once the disciplinary authority reaches the conclusion that the government servant's conduct was such as to require his dismissal or removal from service or reduction in rank, he must decide which of these three penalties should be imposed on him. This too it has to do by itself and without hearing the government servant concerned by reason of the exclusionary effect of the second proviso. However, a conviction on a criminal charge does not automatically entail dismissal, removal or reduction in rank of the government servant, concerned and, therefore, it is not mandatory to impose any of these major penalties."

(2) AIR 1985, SC 1416

(12) In **Hari Ram *versus* Dakshin Haryana Bijli Vitaran Nigam Ltd. and another (3),** a Division Bench of this Court, following the judgment in Tulsi Ram Patel's case (supra) observed as under:-

> Keeping in view the aforesaid observations of the Supreme Court, we have examined the record produced by the respondents. A perusal of the record shows that the respondents have not paid any attention to the conduct which led to the conviction of the petitioner as required by law. It was necessary for the respondents to examine the judgment of the Criminal Court and to assess the conduct of the petitioner to reach a conclusion as to whether it would be undesirable to keep him in service. The auction of the management/employer must be based on relevant considerations. The impugned order in our opinion suffers from the vice of non-application of mind. Consequently, we are of the opinion that the impugned order deserves to be quashed on this short ground."

(13) In **Shankar Das *versus* Union of India (4),** a government employ convicted under Section 409 of the Indian Penal Code, was dismissed from service, but released on probation. It was observed by the Criminal Court while releasing him on probation that it was under the course of adverse circumstances the accused had held back money in question. Considering the validity of dismissal order, Hon'ble the Supreme Court observed as under:-

> "It is to be learned that despite these observations of the learned Magistrate, the Government chose to dismiss the appellant in a huff, without applying its mind to the penalty which could appropriately be imposed upon him in so far as his service career was concerned. Clause (a) of the second proviso to Article 311 (2) of the Constitution confers on the Government the power to dismiss a person from service on the ground of conduct which has led to his conviction on a criminal charge". But, that power, like every other power, has to be exercised fairly, justly and reasonably. Surely the Constitution does not

(3) 2006 (2) SCT, 112

(4) AIR 1985 SC 772

> contemplate that a Government servant who is convicted for parking his scooter in a non-parking area should be dismissed from service. He may, perhaps, not be entitled to be heard on the question of penalty since clause (a) of the second proviso to Article 311 (2) makes the provisions of that article inapplicable when a penalty is to be imposed on a Government servant or the ground of conduct which has led to his conviction on a criminal charge. But the right to impose a penalty carries with it the duty to act justly. Considering the facts of this case, there can be no two opinions that the penalty of dismissal from service imposed upon the appellant is whimsical."

(14) Opposing the contention of the petitioner and justifying the action of the State-respondents in dismissing the petitioner on his conviction, Mr. Charu Tuli, learned Senior Deputy Advocate General, Punjab, relied upon the following judgments:-

(15) In **Deputy Director of Collegiate Education (Administration), Madras *versus* S. Nagoor Meera (5),** it has been held as under:-

> "9. The Tribunal seems to be of the opinion that until the appeal against the conviction is disposed of, action under clause (a) of the second proviso to Article 311(2) is not permissible. We see no basis or justification for the said view. The more appropriate course in all such cases is to take action under clause (a) of the second proviso to Article 311 (2) once a government servant is convicted of a criminal charge and not to wait for the appeal or revision, as the case may be. If, however, the government servant- accused is acquitted on appeal or other proceeding, the order can always be revised and if the government servant is reinstated, he will be entitled to all the benefits to which he would have been entitled to had he continued in service. The, other course suggested, viz., to wait till the appeal, revision and other remedies are over, would not be advisable since it would mean continuing in service a person who has been convicted of

(5) 1995 (3) SCC 377

a serious offence by a criminal court. It should be remembered that the action under clause (a) of the second proviso to Article 311(2) will be taken only where the conduct which has led to his conviction is such that it deserves any of the three major punishments mentioned in Article 311(2). As held by this court in Shankardass v. Union of India (1985 (2) S.C.R. 358):

"Clause (a) of the second proviso to Article 311(2) of the Constitution confers on the government the power to dismiss a person from services "on the ground of conduct which has led to his conviction on a criminal charge." But that power like every other power has to be exercised fairly, justly and reasonably. Surely, the Constitution does not contemplate that a government servant who is convicted for parking his scooter in a no-parking area should be dismissed from service. He may perhaps not be entitled to be heard on the question of penalty since clause (a) of the second proviso to Article 311(2) makes the provisions of that article inapplicable when a penalty is to be imposed on a Government servant on the ground of conduct which has led to his conviction on a criminal charge. But the right to impose a penalty carries with it the duty to act justly."

(16) In **Ram Kishan and others *versus* State of Rajasthan (6)**, it is held as follows:-

"A bare reading of Rule 19 shows that the Disciplinary Authority is empowered to take action against a Govt. servant on the ground of misconduct which has led to his conviction on a criminal charge. The rules, however, do not provide that on suspension of execution of sentences by the Appellate Court the order of dismissal based on conviction stands obliterated and dismissed Govt. servant has to be treated under suspension till disposal of the appeal by the Appellate Court filed by Govt. servant for talking action against him on the ground of misconduct which has led to his conviction by competent Court of law. Having

(6) 1997 (7) SCC 518

regard to the provisions of the rules, the order dismissing the respondent from service on the ground of misconduct leading to his conviction by a component Court of law has not lost its string merely. Because a criminal appeal was filled by the respondent against his conviction and the Appellant Court has suspended the execution of sentence and enlarged the respondent on bail. This matter may be examined from another angles. Under Section 389 of the code of Criminal Procedure, the appellant Court has power to suspend the sentence and to release an accused on bail. When the appellant Court suspends the execution of sentences, and grants bail to an accused the effect of the order is that sentence based on conviction is for the time being postponed, or kept in abeyance during the pendency of the appeal. In other words, by suspension of execution of sentence under section 389 Cr. P.C. an accused avoids undergoing sentences pending criminal appeal. However, the conviction continues and is not obliterated and if the conviction is not obliterated, any action taken against a Govt. servant on a misconduct which led to his conviction by the Court of law does not lose its efficacy merely because Appellant Court has suspended the execution of sentence. Such being the position of law, the Administrative Tribunal fell in error in holding that by suspension of execution of sentence by the appellate Court, the order of dismissal passed against the respondent was liable to be quashed and the respondent is to be treated under suspension till the disposal of Criminal Appeal by the High Court."

Sushil Kumar Singhal *versus* Regional Manager, Punjab National Bank (7),

(17) In this case, a bank employee was convicted under Section 409 of the Indian Penal Code. He was released on probation under the Probation of Offenders Act, though conviction was maintained. The employee was dismissed from service by issuing a Show Cause Notice. The Tribunal maintained the dismissal and a wit petition by the aggrieved employee before

(7) 2010 (8) SCC 573

the High Court was also dismissed. The award of the Tribunal and order of the High Court came to be challenged before the Hon'ble Supreme Court, wherein it has been held as under:-

> "18. In view of the above, the law on the issue can be summarised to the effect that the conviction of an employee in an offence permits the disciplinary authority to initiate disciplinary proceedings against the employee or to take appropriate steps for his dismissal/removal only on the basis of his conviction. The word "disqualification" contained in Section 12 of the 1958 Act refers to a disqualification provided in other statues, as explained by this Court in the abovereferred cases, and the employee cannot claim a right to continue in service merely on the ground that he had been given the benefit of probation under the 1958 Act."

(18) In view of the above judgments, the Hon'ble Supreme Court has clearly and categorically ruled that an employee convicted for a criminal charge can be dismissed from service either by initiating disciplinary proceedings or otherwise even without disciplinary proceedings.

(19) It is relevant to notice that Hon'ble the Supreme Court has considered the judgment of Hon'ble Supreme Court rendered in **Union of India Vs. Tulsi Ram Patel's** case (supra) in **Shankar Das *versus* Union of India's** case (supra).

(20) Reliance has also been placed by the learned counsel for the respondents in the case of **State of Haryana Vs. Balwant Singh (8).**

(21) In this case, disciplinary proceedings were initiated against the Bus Driver of Haryana Roadways for causing death of a person and injuries to another by a rash and negligent driving. He was awarded penalty of reduction of pay to minimum of the pay scale in departmental proceedings. Simultaneously, a challan under Section 304-A of the Indian Penal Code was also filed in the criminal Court. After the departmental penalty was imposed upon the driver, he was convicted in the criminal case. Based upon his conviction, he was dismissed from service without any further departmental enquiry by issuing a notice. The driver pleaded double jeopardy claiming

(8) 2003 (3) SCC, 362

violation of Article 20 (2) of the Constitution of India and on various other pleas. Civil Suit filed by him was allowed and the order of dismissal was set aside up to the High Court. Hon'ble the Supreme Court, however, reversed the judgments and upheld the order of dismissal holding that both the penalties arise out of different causes of action. In this case, termination without enquiry was upheld.

(23) In these judgments, it has been held that when the employee is convicted of a criminal charge, no enquiry need to be held. In so far as the question of impact of release on probation is concerned, there is catena of judgments wherein it has been held that release on probation does not wash away his conviction. In **Hari Chand *versus* Director School Education (9),** Hon'ble the Supreme Court observed as under:-

> "In our view, Section 12 of the Probation of Offenders Act would apply in respect of a disqualification that goes with a conviction under the law which provides for the offence and its punishment. That is the plain meaning of the words "disqualification, if any, attaching to a conviction of an offence under such law" therein. Where the law that provides for an offence and its punishment also stipulates a disqualification, a person convicted of the offence but released on probation does not, by reason of Section 12, suffer the disqualification. It cannot be held that, by reason of Section 12, a conviction for an offence should not be taken into account for the purpose of dismissal of the person convicted from government service."

(24) In **Divisional Personnel Officer, Southern Railway and another *versus* T.R. Chellappan (10),** it has been observed by the Hon'ble Supreme Court that conviction of an accused for the finding of the Court that he is guilty, does not stand wash away i.e. sine qua non, for the order of release on probation. The order of release on probation is merely in substitution of the sentence to be imposed by the Court. The factum of guilt on the criminal charge is not swept away merely by passing order under 1958 Act.

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(9) 1998 (2) SCC 383

(10) 1976 (3) SCC 190 = AIR 1975, SC 2216

(25) A similar view has been taken in **Trikha Ram *versus* V. K. Seth and another (11).**

(26) In view of the above, release of the petitioner on probation cannot come to his rescue nor does it provide a ground for setting aside his conviction which otherwise stands even on release on probation.

(27) It is lastly contended by the learned counsel for the petitioner that conviction under Section 406 and 498-A of the Indian Penal Code, does not involve moral turpitude. The expression "moral turpitude" has not been defined under the criminal law, however, the meaning of this expression has been examined by the Courts. In the case of **Pawan Kumar *versus* State of Haryana (12),** Hon'ble the Supreme Court has observed as under:-

> "12. Moral Turpitude" is an expression which is used in legal as also social parlance to describe conduct which is inherently base, vile, depraved or having any connection showing depravity."

(28) The Hon'ble Supreme Court also examined the meaning of this expression in **Allahabad Bank *versus* Deepak Kumar Bhola (13).** The Hon'ble Supreme Court relied upon a judgment of the Allahabad High Court in the case of in **Baleshwar Singh *versus* District Magistrate and Collector (14),** wherein the expression "moral turpitude" has been defined in the following terms:-

> "The expression "moral turpitude" is not defined anywhere. But it means anything done contrary to justice, honesty, modesty of good morals. It implies depravity and wickedness of character or disposition of the person charged with the particular conduct. Every false statement made by a person may not be moral turpitude, but it would be so if it discloses vileness or depravity in the doing of any private and social duty which a person owes to his fellow men or to the society in general. If therefore the individual charged with a certain conduct owes a duty, either to

(11) 1987 (Suppl) SCC 39

(12) 1996 (4) SCC 17

(13) 1997 (4) SCC 01

(14) AIR 1959 All. 71

> another individual or to the society in general, to act in a specific manner or not to so act and he still acts contrary to it and does so knowingly, his conduct must be held to be due to vileness and depravity. It will be contrary to accepted customary rule and duty between man and man."

(29) Applying the underlying objective of the expression "moral turpitude" it can be safely inferred that where the act of an employee is deceitful and does not reflect modesty, honesty or good morals, it has to be construed as an act of "moral turpitude". Persons convicted for misappropriation of even his wife's property and asking for dowry by using coercive methods, definitely indulges in an act of dishonesty and is contrary to all canons of modesty and good morals. It is the greed of the husband and greed can never be an honest approach and definitely leads to something which is against good morals.

(30) In view of the above instances, I am of the considered opinion that it was not necessary for the authorities to hold any enquiry against the petitioner after his conviction before passing the order of dismissal. There is no merit in the present petition and the same is hereby dismissed with no order as to costs.

P.S. Bajwa

Before K. Kannan, J.

TARA SING AND OTHERS,—*Petitioners*

versus

THE ADMINISTRATOR, UNION TERRITORY, CHANDIGARH AND ANOTHER,—*Respondents*

C.W.P. No.10811 of 1989

22nd March, 2011

Constitution of India - Art. 226 & 227 - Capital of Punjab(Development and Regulation) Act, 1952 - Ss.2(k), 8-A & 10 - Transfer of Property Act - Original transferee had died but had sold property - Vendee's name did not figure in record of Estate Officer though there was a registered sale deed in his favour - In the meantime, property which was residential in nature was resumed