



# CHANDIGARH HOUSING BOARD

CHANDIGARH ADMINISTRATION UNDERTAKING  
8, JAN MARG, SECTOR 9, CHANDIGARH - 160 009, Ph: 4601612,

No. CEO-CHB/PA/2021/79

Dated, the 19.05.2021

## ORDER

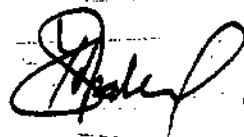
Sh. Achhar Singh, was initially engaged on daily wages on 11.08.1987. Thereafter his services were taken as Junior Technician (purely work charge) on 28.05.1997. Subsequently, vide Order No.09 dated 01.03.2019 his services were regularized as Junior Technician (Work Charged Regular).

2. A request for character and antecedents' verification was sent to the Deputy Commissioner, UT, Chandigarh vide Memo.No.1762 dated 06.05.1998. The Deputy Commissioner, UT, Chandigarh forwarded it to the Superintendent of Police, Chandigarh vide Memo. No. DC/RIA/476 dated 13.05.1998. Finally, the Deputy Commissioner, UT, Chandigarh verified the character and antecedent of Sh. Achhar Singh on 15.06.1998 for the period 1980 to date for the Permanently/Previously/Presently resident of 927, Phase II, Ram Darbar, Chandigarh.

3. Subsequent to regularization of services of Sh. Achhar Singh vide Order No. 09 dated 01.03.2019, his character and antecedents were not verified again because vide his letter dated 11.04.2019 it was informed that it had already been done in 1998.

4. The verification of character and antecedent by the Deputy Commissioner, UT, Chandigarh indicates that Sh. Achhar Singh never disclosed about the incident dated 23.02.1996 at Village Khil, Tehsil Joginder Nagar, Himachal Pradesh.

5. On 11.05.2021 from a news item in 'DANIK BHASKAR' News Paper, it came into notice of the Chandigarh Housing Board that about 11 years


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back, Sh. Achhar Singh, Junior Technician was convicted in a criminal case by the Hon'ble High Court of Himachal Pradesh, Shimla. As per copy of the orders downloaded from the website Sh. Achhar Singh, Junior Technician was convicted by the Hon'ble High Court of Himachal Pradesh, Shimla in Criminal Appeal No. 281 of 1998 vide order dated 12.05.2010 under Section 452, 326 & 323 of Indian Penal Code. He was sentenced to undergo rigorous imprisonment for 5 years alongwith fine. The Hon'ble Supreme Court of India vide order dated 07.05.2021 in Criminal Appeal No.1140, 1141 & 1144 of 2010 has upheld the conviction of Sh. Achhar Singh, Junior Technician under Section 452, 326 & 323 IPC.

6. As per orders of the Hon'ble High Court of Himachal Pradesh, Shimla, Sh. Achhar Singh, Junior Technician was involved in an incident on 23.02.1996 at Village Khil, Tehsil Joginder Nagar, Himachal Pradesh, which led to murder of one lady Mrs. Swari Devi and grievous injuries to her husband Sh. Beli Ram. As per the Court orders, Sh. Achhar Singh, Junior Technician was armed with axe and was an active participant in the incident. He attacked Sh. Beli Ram with axe, which led to grievous injuries to him.

7. As soon as, the fact of conviction of Sh. Achhar Singh, Junior Technician came in to the notice of the Chandigarh Housing Board, he was immediately placed under suspension vide Order No.HB(S)/EA-III/2021/75 dated 11.05.2021. Further, a Show Cause Notice vide No.HB(S)/DA-II/2021/827 dated 11.05.2021 was also issued to him as to why he should not be dismissed from service. Sh. Achhar Singh, Junior Technician was allowed to submit his reply by 18.05.2021, if any. In case Sh. Achhar Singh, Junior Technician wants an opportunity of Personal Hearing, he was allowed to appear before the undersigned on 19.05.2021 at 10.00 AM.

8. During the Personal Hearing before the undersigned on 19.05.2021 at 10.00 AM, Sh. Achhar Singh, Junior Technician submitted that he was falsely implicated in the case. He also originally belongs to Village Khil,

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Tehsil Joginder Nagar, Himachal Pradesh but is staying at Chandigarh since child hood. Shri Budhi Singh was his neighbor and he used to address him as 'Chacha'. There was animosity between Shri Budhi Singh and Shri Beliram for last many years. Though he attended the marriage in the village but not present at the scene of crime. He further submitted that a review is being filed in the Hon'ble Supreme and till then the matter may be kept pending. He could not give any answer to the query as to why the office was informed about the criminal case for last 25 years. On his request he was allowed to submit the reply during the day because it could not be submitted on yesterday. The Secretary, CHB and the Administrative Officer, CHB were present during the personal hearing.


9. Sh. Achhar Singh, Junior Technician has not submitted any written reply. However, after the personal hearing, submitted a written request dated 19.05.2021 to allow him time upto 27.05.2021. Considering that sufficient time of 07 days was given, personal hearing was allowed in the morning of 19.05.2021 and the proposed action is directly related to his conduct which led to his conviction, the request for allow further time is not accepted.

10. The Rule 13 of the Punjab Civil Services (Punishment and Appeal) Rules, 1970 provides as under:-

***Rule 13.- Special procedure in certain cases***

*Notwithstanding anything contained in Rules 8,9,10,11 and 12-*

- (i) where any penalty is imposed on a Government employee on the ground of conduct which has led to his conviction on a criminal charge;*
- or*
- (ii) where the punishing authority is satisfied for reasons to be recorded by it in writing that it is not reasonably practicable to hold an inquiry in that manner provided in these Rules; or*
- (iii) where the Governor is satisfied that in the interest of the security of the State, it is not expedient to hold any inquiry in the manner*

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*provided in these Rules, the punishing authority may consider the circumstances of the case and make such orders.*

*(iv) - Provided that the commission shall be consulted, where such consultation is necessary, before any orders are made in any case under this Rule."*

11. The Government of Punjab vide letter No. 3/23/98-PPI/10394, dated 05.08.1998, as adopted by the Chandigarh Administration vide endst. No. 6335-IH (7)-98/19095 dated 16.09.1998 provides that until the conviction is set aside by the appellate or other higher court, it may not be advisable to retain such person in service.

12. It is surprising that the aspect of criminal case which led to conviction of Sh. Achhar Singh, Junior Technician was not in the knowledge of the Chandigarh Housing Board for last 25 years. Infact, during this period his services were firstly changed from daily wages to purely work-charge and then regularized as Junior Technician (Work Charged Regular). Sh. Achhar Singh, Junior Technician gave the address of Chandigarh and thus succeeded in character & antecedent verifications without revealing about his involvement in the criminal case relating to the incident in the Village Khil, Tehsil Joginder Nagar, Himachal Pradesh, on 23.02.1996 which subsequently led to conviction. A public servant is always required to inform about the criminal case/conviction to its employer but here Sh. Achhar Singh, Junior succeeded to conceal it for 25 years. Even his conviction about 11 years ago did not come into the notice of Chandigarh Housing Board.

13. As per orders of the Hon'ble High Court of Himachal Pradesh, Shimla, Sh. Achhar Singh was armed with axe and he gave few blows of axe from the reverse side on the face of Sh. Beli Ram. From the FIR and testimony of witnesses, Sh. Achhar Singh was carrying axe at the incident site. As per the court order, three witnesses stated that Sh. Achhar Singh had caused injuries by means of axe on the face of Sh. Beli Ram. As per the statement

*Spate of 19/05/2011*

of the Doctor, who conducted medical examination of Sh. Beli Ram, incised wounds were opined that incised wounds could have been of weapon like axe. The Hon'ble High Court of Himachal Pradesh, Shimla has held that Sh. Achhar Singh caused grievous as also simple injury to Sh. Beli Ram by means of axe and thus committed offences punishable under Sections, 326 & 323 IPC. From the orders of the Hon'ble High Court of Himachal Pradesh, Shimla, it is clear that Sh. Achhar Singh, Junior Technician was actively involved in the incident dated 23.02.1996 at Village Khil, Tehsil Joginder Nagar, Himachal Pradesh. He was armed with axe and caused serious injuries to Sh. Beli Ram and this conduct of him has led to the conviction under Sections 452, 326 & 323 of IPC.

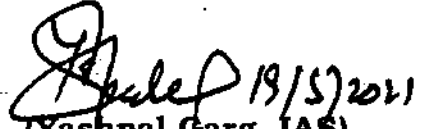
14 The conduct of Shri Achhar Singh on the day of incident was not expected from a public servant. Infact if this aspect would have been in the notice of Chandigarh Housing Board then a different decision might have been taken at the time of his joining as Junior Technician on 28.05.1997 and also at the time of regularization of his services as Junior Technician (Work Charged Regular) on 01.03.2019. It was clearly a conduct of unbecoming of a public servant to openly carry an axe, become a part of the gang, barge in the house of others and then give few blows with the axe to cause grievous injuries. There might be some rivalry between the family of Shri Beli Ram and Shri Budhi Singh but there was no reason for Shri Achhar Singh to become a part of the gang and participate in the incident even without any sudden provocation. Such conduct need to be dealt with strict exemplary action to maintain faith of the public and also to save image of the organization.

15. I have gone through the facts of the case, orders of the Hon'ble High Court of Himachal Pradesh, Shimla and orders of Hon'ble Supreme Court of India. I have also gone through the written reply of Sh. Achhar Singh, Junior Technician and oral submissions during the Personal Hearing. I am of the clear view that the conduct of Sh. Achhar Singh which led to his conviction under Sections 452, 326 & 323 of IPC clearly indicate that he

*Spade* 19/05/2011

should not be retained in the service of the Chandigarh Housing Board. The conduct of Shri Achhar Singh which has led to his conviction under Sections 452, 326 & 323 of IPC is sufficient to prove that such person does not deserve to be allowed in service any more. Therefore, his retention in service is not desirable. It is a fit case to impose penalty on the ground of conduct which had led to his conviction in a criminal charge, as provided in Rule-13 (i) of Punjab Civil Services (Punishment and Appeal) Rules, 1970.

16. I therefore, being competent authority, hereby imposes the major penalty of dismissal from service upon Shri Achhar Singh, Junior Technician with immediate effect.

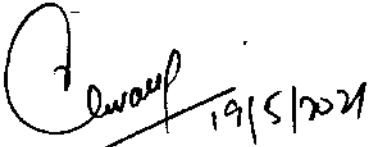
  
(Yashpal Garg, IAS)  
Chief Executive Officer,  
Chandigarh Housing Board,  
Chandigarh

Endst. No. CEO-CHB/PA/2021/879

Dated, the 19<sup>th</sup> May 2021

Copy is forwarded for information and necessary action to the: -

1. Chief Engineer, Chandigarh Housing Board, Chandigarh
2. Secretary, Chandigarh Housing Board, Chandigarh
3. Chief Accounts Officer, Chandigarh Housing Board, Chandigarh
4. Administrative Officer, Chandigarh Housing Board, Chandigarh
5. Computer Incharge, Chandigarh Housing Board, Chandigarh
6. Sh. Achhar Singh, Junior Technician, Chandigarh Housing Board, Chandigarh
7. PA to Chairman Chandigarh Housing Board for kind information of the Worthy Chairman.

  
Administrative Officer,  
Chandigarh Housing Board,  
Chandigarh