

**IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH**

**CWP No.13295 of 2015
Date of decision: 07.07.2015**

EASI Umar Mohhmad

... Petitioner

Vs.

State of Haryana and others

... Respondents

CORAM: HON'BLE MR. JUSTICE AMIT RAWAL

1. Whether reporters of local newspapers may be allowed to see judgment?
2. To be referred to reporters or not?
3. Whether the judgment should be reported in the Digest?

Present:- Mr. S.K.Daaria, Advocate
for the petitioner.

AMIT RAWAL J. (Oral)

Learned counsel for the petitioner submits that vide order dated 18.12.2013, (Annexure P-1) the petitioner was charge-sheeted on the basis of taking bribe while being posted at Police Station, Sohna as Barrier Incharge. In pursuance to the charge-sheet, reply was filed. However, the department was not satisfied with the reply and Inquiry Officer was appointed. The Inquiry Officer, vide order dated 31.10.2013, exonerated the petitioner from the charges levelled against him. Vide impugned order dated 14.07.2014, the Annual Confidential Report of the petitioner for the period from 01.04.2013 to 30.10.2013 was declared defected showing that the petitioner was found taking gratification from heavy vehicles. He

further submits that since the petitioner had been exonerated by the Inquiry Officer as way back as on 31.10.2013, there was no occasion for the disciplinary authority to serve him adverse remarks in the Annual Confidential Report.

The petitioner preferred an appeal Annexure P-4 against the impugned order dated 14.07.2014 before the Commissioner of Police, Gurgaon and the same has been dismissed vide order dated 11.05.2015, Annexure P-5 in a most mechanical and sketchy manner.

I have gone through the order dated 11.05.2015, Annexure P-5, which reads thus:-

"I have gone through the representation submitted by EASI Umar Mohd. No.1714/GGN against adverse remarks recorded in his ACR for the period from 1.4.13 to 30.10.13 and comments of the Reporting Authority in this regard. The representationist has also been given personal hearing on 7.5.2015 in my office. I find no reason to interfere with the remarks recorded by the Reporting Officer. Hence, his representation is rejected. The representationist may be informed accordingly under proper receipt.

2. His Ch. Roll, ACR file pages 1 to 12, FM Pages 1 to 180 & DE files pages 1 to 88 are returned herewith being no longer required."

From the perusal of the aforesaid order, it is evident that

the Commissioner of Police has not assigned any reasons, much less, cogent reasons while dealing with the points raised in the grounds of appeal. Time and again, this Court has passed directions to the statutory authorities dealing with the appeal and revision to pass reasoned and speaking order while dealing with the appeal and revision. There has been no adherence to such directions.

In view of what has been observed above, impugned order dated 11.05.2015, Annexure P-5, is hereby set aside and the matter is remitted back to the Commissioner of Police, Gurgaon, for deciding the appeal afresh. In essence, to pass a detailed and speaking order.

It is expected that the Commissioner of Police, Gurgaon, would pass a detailed and speaking order after giving due opportunity of hearing to the petitioner, much less, in accordance with law. In order to defray the litigation expenses, I deem it appropriate to impose costs amounting to ₹ 20,000/- upon the Commissioner of Police, Gurgaon. The aforementioned costs is ordered to be paid to the petitioner by way of compensation.

With the aforementioned directions, the writ petition stands disposed of.

(AMIT RAWAL)
JUDGE

July 07, 2015
savita