

IN THE HIGH COURT OF PUNJAB & HARYANA, CHANDIGARH

CWP No. 2287 of 2013(O&M)
Date of decision: April 20, 2015

Head Constable Rajesh Kumar

..... Petitioner

Versus

State of Haryana and others

..... Respondents

CWP No. 2317 of 2013(O&M)

Head Constable Harpal Singh

..... Petitioner

Versus

State of Haryana and others

..... Respondents

CWP No. 2322 of 2013(O&M)

Constable Ravinder Kumar

..... Petitioner

Versus

State of Haryana and others

..... Respondents

CORAM: HON'BLE MR. JUSTICE AMIT RAWAL

Present:-

Mr. Jai Vir Yadav, Advocate
for the petitioner.

Mr. Keshav Gupta, AAG., Haryana.

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

Amit Rawal, J (Oral).

This order of mine shall dispose of all the

aforementioned writ petitions as the point of law involved in all the cases is common.

Learned counsel for the petitioner contends that the enquiry officer did not find that the employer had proved the charges against the petitioner but the Superintendent of Police, Palwal gave a dissenting note dated 25.8.2009. On the basis of the said note an order dated 22.9.2009 was passed awarding punishment of stoppage of one annual increment with cumulative effect.

The said order was assailed by filing a statutory appeal before the Inspector General of Police. However, the same was dismissed vide order dated 30.3.2010 and 4.5.2010 (Annexure P-7) and revision filed there against had also been dismissed vide order dated 1.6.2011 (Annexure P-8).

Learned counsel for the petitioner contends that both the orders Annexure P-7 and Annexure P-8 are non-speaking and as no reasons have been assigned, much less not dealt with the grounds of appeal vide which the impugned order was assailed.

Mr. Keshav Gupta, AAG., Haryana learned counsel for the State contends that the order passed by the Appellate Authority and revisional authority are fair and justified, much less have been passed after noticing the grounds raised by the petitioner and therefore do not suffer from any illegality, much less arbitrariness.

Learned counsel for the petitioner in rebuttal submits that the impugned order did not comply with the provisions of Rule 16.3 (i) of Punjab Police Rules as applicable to the State of

Haryana.

I have heard learned counsel for the parties, appraised the paper book as well as the impugned orders.

Both the orders do not speak of any reasons, much less cogent reasons rejecting the case of the petitioner and also do not conform to the provisions of Rule 16.3 (i) of Punjab Police Rules as applicable to the State of Haryana. Therefore, I deem it appropriate to remand the case back to the Appellate Authority.

Accordingly the Orders dated 30.3.2010 and 4.5.2010 (Annexure P-7) and order dated 1.6.2011 (Annexure P-8) are set aside. The matter is remitted back to the Inspector General of Police, South Range Head quarters, Rewari to decide the appeal of the petitioner afresh in accordance with law after giving an opportunity of hearing to the concerned parties.

It is made clear that the appeal filed by the petitioner is deemed to be restored back to its original number. The petitioner is at liberty to file any fresh ground, in case it is required.

Respondent No.3 shall decide the appeal within a reasonable period, not later than four months.

The writ petitions are disposed of accordingly.

(AMIT RAWAL)
JUDGE

April 20, 2015
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