

Constable with the respondents, was charged with using abusive language and misbehaviour with his superior because of the fact that his superior, in the discharge of his official duties, had summoned the petitioner's father in Police Station in connection with a complaint having been received. The petitioner had also been charged for having threatened to kill his superior as and when he entered the village of the petitioner in connection with the investigation of the complaint received in the Police Station. The reply of the petitioner to the charge-sheet, having been found to be unsatisfactory, he was subjected to a departmental inquiry, which found the petitioner guilty of all the charges levelled against him. Copy of the inquiry report was served upon the petitioner, to which he responded to.

After going through the entire facts, through order dated 30.09.2005 (Annexure P-11), punishment of stoppage of three future increments with permanent effect was ordered. The appeal filed by the petitioner was dismissed and so was the revision petition.

A perusal of the inquiry report shows that only because his superior, on receipt of a complaint, had summoned the petitioner's father to the Police Station for investigating a matter, the petitioner had barged into the Police Station and showered upon his superior officer choicest of vulgar abuses. He was further found to have misbehaved with his superior.

A member of the disciplined force is not expected to behave in the manner that the petitioner has, especially against his superior, who was

only discharging his official functions. The proven misconduct on the part of the petitioner is unbecoming of by a man in uniform.

No flaw in the procedure followed, while proceeding departmentally against the petitioner, has been pointed out.

The present petition also suffers from inordinate and unexplained delay. The order passed by the revisionary authority is dated 08.08.2012. The present petition has been filed after over three years and for the delay, no explanation is offered.

In view of the above, on account of delay, as also on merits, this writ petition is ordered to be dismissed.

No costs.

(DEEPAK SIBAL)
JUDGE

September 28, 2015

monika