

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

**C.M.No.6240 of 2015 in/and
CWP No.22932 of 2014
Date of decision: 15.05.2015**

Jagdish Chander

... 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. Kartar Singh Malik-I, Advocate
for the petitioner.

Mr. Keshav Gupta, AAG, Haryana.

AMIT RAWAL J. (Oral)

Prayer in the application i.e. C.M.No.6240 of 2015, has been made for early hearing of the writ petition as it stood admitted on the ground the order passed by the Appellate Authority is non-speaking and during the pendency of the writ petition, the petitioner remained out of service, nor any benefit has been given to the petitioner, therefore, pendency of writ petition may take long time in getting the relief which could be granted now, in case the matter is taken up for hearing.

Accordingly, the application for early hearing is allowed

and with the consent of learned counsel for the parties, the main writ petition is taken on board for hearing today itself.

Learned counsel for the petitioner contends that on 01.10.1989 the petitioner joined with the respondent department. While in service, he was involved in FIR No.541 dated 8.12.2010 under Sections 427/447/34 IPC registered at P.S.Urban Estate Rohtak. He was found innocent in the inquiry conducted by the Police Station of Urban Estate Rohtak and challan qua order had been prepared on 2.1.2011 and the same was presented on 4.1.2011. The respondents served a show cause notice dated 15.12.2011 owing to registration of FIR calling upon him to file reply within a period of 15 days. On its receipt, the petitioner submitted reply and the petitioner had been found guilty of the charges levelled upon him, thus, punishing authority called upon him to submit reply. The detailed reply was submitted. Thereafter, Superintendent of Police, Rohtak, vide order dated 30.03.2012, awarded punishment of dismissal from the service with immediate effect. The period of suspension i.e. from 28.02.2011 to 30.03.2012 was treated as not spent on duty and it was further ordered that he would be paid nothing more except the subsistence allowance, which has already been paid to him.

The petitioner is stated to have filed a statutory appeal, as per the provisions of Punjab Police Service Rules as applicable to Haryana, and Inspector General, Rohtak Range, Rohtak vide

impugned order dated 25.07.2012 passed the order in a most sketchy and mechanical manner and dismissed the appeal, in essence, the order has been passed without application of mind and the appeal has been rejected without dealing with the points raised by the petitioner in the appeal. The order dated 25.07.2012 (Annexure P-5) is extracted herein below:-

“ASI Jagdish Chander No.99/RTK has submitted an appeal dated 19.04.2012 against the punishment of “Punishment of dismissal from service” awarded by the Superintendent of Police, Rohtak vide final order dated 30.03.2012.

2. ASI Jagdish Chander No.99/RTK (hereinafter referred as you) was dealt departmentally under rule 15.38 PPR vide order of disciplinary authority on the following charges:

3. “While you were posted at PP New Bus Stand, Rohtak and a case FIR No.541 dated 08.12.2010 u/s 427/447/34 IPC PS Urand Estate, Rohtak was registered against you and other. During the investigation you were arrested in the above said case on 28.02.2012.”

4. Upon this misconduct, a regular Departmental Enquiry was conducted against you. The enquiry officer in his finding hold you guilt of the charges leveled against you.

5. *I have considered the appeal and I find no merits in his appeal so the appeal submitted by him is hereby rejected being devoid of any merits. A copy of the order shall be supplied to the appellant ASI Jagdish Chander No.99/RTK.*

6. *ASI Jagdish Chander No.99/RTK shall acknowledge the receipt of this order.*

Sd/-

(Alok Mittal)

*Inspector General of Police,
Rohtak Range, Rohtak."*

Against the aforementioned order, the petitioner also preferred revision petition before the Director General of Police, Haryana and the same was also dismissed vide order dated 31.10.2012, without giving any reasons except one bald reason that criminal case was still pending.

Learned counsel for the petitioner further submits that vide order dated 25.07.2014, Annexure P-9, the petitioner was also acquitted from all the charges.

Be that as it may, the fact remains that the Appellate Authority was enjoined upon an obligation to deal with the detailed grounds of appeal taken by the petitioner and passed a detailed speaking order giving reasons, much less, cogent reasons, therefore, the petitioner has been denied right of hearing by availing the statutory remedy of appeal.

I deem it appropriate to allow the writ petition by quashing the orders dated 25.07.2012 and 31.10.2012 i.e. Annexure P-5 and Annexure P-6 respectively and remit the matter back to the Inspector General of Police to decide the statutory appeal of the petitioner in a most pragmatic manner by passing a detailed speaking order in accordance with law. In essence, discharge duty within degree of responsibility.

It is expected that Inspector General of Police, Rohtak Range, Rohtak shall decide the appeal of the petitioner after giving an opportunity of hearing to the petitioner, much less, in accordance with law, within a period of four months from the receipt of a certified copy of this order.

Accordingly, writ petition stands allowed.

**(AMIT RAWAL)
JUDGE**

May 15, 2015
savita