

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

Civil Writ Petition No.2783 of 2015

Date of decision: 19.2.2015

Karminder Singh

... Petitioner

Versus

State of Punjab and others

... Respondents

CORAM: HON'BLE MR. JUSTICE RAJIV NARAIN RAINA

Present: Mr.Gopal Singh Nahel, Advocate,
for the petitioner.

1. To be referred to the Reporters or not? Yes.
2. Whether the judgment should be reported in the Digest? Yes.

RAJIV NARAIN RAINA, J. (Oral)

This petition has been filed to assail an order of reversion. When the benefit granted to the petitioner by exempting him from attending and qualifying the Intermediate School Course came under a grave shadow of doubt, the successor Director General Police, Punjab reversed the decision taken by the predecessor Director General Police, Punjab in 2005, then the take-back of the undue relaxation led to the reversion of the petitioner to his previous post. Today, he pleads in the present case that opportunity of hearing was not afforded to him before his reversion was ordered nor could a concession given to him be withdrawn at this distance of time. Nevertheless, when a policy decision was taken to withdraw the privilege conferred by the former Director General Police, Punjab, the

authority who acted gravely beyond his office and exempted the petitioner and others from the rigours of the rules, then the principles of natural justice to my mind need not be strictly applied or enforced or stretched to breaking points in the matter of reversion from a promotional post which was not a lawful due.

Therefore, in the equitable and discretionary jurisdiction exercised by this Court provided by Article 226 of the Constitution, I think no interference is warranted against the impugned order as the decision taken by the Director General Police, Punjab is not apparently and palpably erroneous, malafide or perverse of the kind no prudent man in office or a person of ordinary intelligence would pass. It is always open to Government to correct its errors and past wrongs committed on record and to remedy a mischief. To this end, there are scant limits placed on Government's correctional power when it sets about trying to purify its original records and documents to bring them in tune with the rules of service and the dictates of ordinary prudence and of good governance coupled with the precepts of administration of the cadre in a uniformed force, restoring harm which may have been caused to others who were not beneficiaries of the largesse dole out or had equal treatment by participation. The Director General Police, Punjab appears to have done just as much.

The petition is found lifeless and is ordered to stand dismissed.

(RAJIV NARAIN RAINA)
JUDGE

February 19, 2015
Paritosh Kumar