

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

**CWP No.5167 of 2015 (O&M)
Date of decision: 20.03.2015**

Ex-Head Constable Manjit Singh

... 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. R.K.Malik, Senior Advocate with
Mr. Mandeep Singh, Advocate
for the petitioner.

AMIT RAWAL J. (ORAL)

Mr. R.K.Malik, learned Senior counsel assisted by Mr. Mandeep Singh, Advocate submits that the revision petition was accompanied by an application seeking condonation of delay of 21 days in filing of the revision petition against the order dated 18.02.2014, the revisional authority i.e. Director General of Police, Haryana, vide Annexure P-6, primarily has dismissed the revision petition being time barred, though there is a passing reference qua merit, in essence, revision petition has been dismissed being time barred. He further submits that even the application for condonation of delay supported by an affidavit was not considered.

There is a merit in the aforementioned contention made by learned counsel for the petitioner.

I have gone through the order dated 02.03.2015 (Annexure P-6). For the sake of brevity, operative part of the aforementioned order is extracted herein below:-

“According to provisions of PPR 16.32, an officer whose appeal has been rejected, may apply, within a month of the date of dispatch of appellate order to him, to the authority next above. It is clear that the revision petition dated 17.4.2014 has been filed against the appellate order dated 18.2.2014 after a delay of one month and is time barred. Moreover, the revisionist was acquitted in the aforesaid criminal case as the PWs had resiled from their earlier statements. The act of revisionist was such that he deserves no leniency as he had brought a very bad name to the department committing atrocity on a poor person. The revision petition is, therefore, rejected being time barred and devoid of any merit.

A copy of this order shall be supplied to the revisionist Ex.Head Constable Manjeet Singh No.309/RWR, free of cost.”

From the perusal of para No.3 of the aforementioned order, it is evident that the Director General of Police, Haryana, Panchkula i.e. revisional authority has actually not applied mind,

much less, discharged the obligation in not discussing the contents of the application seeking condonation of delay, wherein, the petitioner has shown justifiable cause, in not filing the revision petition in time.

The impugned order dated 25.02.2015 is set aside and the matter is remitted back to the Director General of Police, Haryana, Panchkula i.e. revisional authority, to decide the revision petition afresh by taking into consideration the application seeking condonation of delay, duly supported by an affidavit and pass a detailed and speaking order, on merits, in accordance with law, after hearing the petitioner, within a period of four months, on the receipt of a certified copy of this order. In case, respondent does not grant any relief then a well reasoned and speaking order be passed and conveyed to the petitioner.

With the aforementioned directions, the writ petition is disposed of accordingly.

(AMIT RAWAL)
JUDGE

March 20, 2015
savita