

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

**CWP No.6387 of 2015 (O&M)
Date of decision: 21.05.2015**

Phool 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. Robin Singh Hooda, Advocate
for the petitioner.

AMIT RAWAL J. (Oral)

Challenge in the present writ petition is to the order dated 30.04.2012, Annexure P-4, whereby, punishment of stoppage of 10 future annual increments with permanent effect has been awarded by the Superintendent of Police, Jind, and order dated 16.07.2012, Annexure P-6, passed by the Inspector General of Police, whereby, the statutory appeal has been partly dismissed and the punishment has been modified to stoppage of 5 future annual increments with permanent effect, as well as to the order dated 27.12.2012 (Annexure P-8), whereby the revision filed against the order dated

16.07.2012 (Annexure P-6) has been dismissed.

Learned counsel for the petitioner submits that the petitioner was appointed as a Constable in Haryana Police and unfortunately was served with charge sheet with regard to misbehaviour on 01.07.2011 with the relative of one constable Dharam Singh. The aforesaid charge sheet was duly replied by the petitioner.

Dissatisfied with the reply, the appointing authority appointed inquiry officer against the petitioner and the inquiry officer proved the charges against the petitioner. The appointing authority on receipt of the inquiry and examination report served show cause notice to the petitioner proposing the imposition of punishment of dismissal in respect of misconduct.

On consideration of the reply filed by the petitioner, the appointing authority vide impugned order dated 30.4.2012 (Annexure P-4) awarded punishment of stoppage of 10 annual future increments with permanent effect.

The petitioner assailed the aforesaid punishment by filing the statutory appeal before the Inspector General of Police, Hisar Range, Hisar. The aforesaid appeal was disposed of by Inspector General of Police on 16.07.2012, by modifying the order of Superintendent of Police by reducing the punishment from stoppage of 10 future annual increments to stoppage of 5 future annual increments with permanent effect.

The petitioner filed a revision petition against the aforesaid order by passed by the Inspector General of Police, the Director General of Police and revisional authority, who, vide impugned order dated 27.12.2012 (Annexure P-8) in a most mechanical and sketchy manner dismissed the revision petition.

I have heard learned counsel for the petitioner and appraised the paper book.

Vide order dated 27.12.2012, the revision of the petitioner has been dismissed. The operative part of the order reads thus:-

“I have carefully gone through the revision petition, appeal file and other relevant documents. The departmental enquiry has been conducted as per prescribed rules and procedure and it does not suffer from any legal infirmity. The punishment awarded to the revisionist is commensurate with the misconduct committed by him. After going through the facts of the case, I find no mitigating circumstances to interfere with the order of the Appellate Authority. I, therefore, reject the revision petition of EHC Phool Singh No.294/Jind, being devoid of merit. A copy of this order be supplied to EHC Phool Singh No.294/Jind, free of cost.”

Time and again, this Court has come across the orders passed by the Appellate Authority/ Revisional Authority, wherein, it has been found that the aforesaid authorities dismiss the

appeal/revision in a most mechanical and sketchy manner. Neither any reason has been assigned nor the points raised in the grounds of appeal have been dealt with.

The Director General of Police is directed to look into the matter at his own level and issue directions to all Competent/revisional authority to decide the appeals/revision in a most pragmatic and reasonable manner by meeting with all the grounds of appeal/revision raised in the respective cases and pass a reasoned and speaking order.

Since the aforementioned order dated 27.12.2012 (Annexure P-8) has been passed without any reasons, much less, without assigning any cogent reasons and as well as being non-speaking, I deem it appropriate to set aside the impugned order dated 27.12.2012 and remit the matter back to the Additional Director General of Police, Haryana, Revisional Authority, to decide the revision petition afresh after affording the opportunity and dealing with all the points raised in the grounds of revision.

Writ petition stands allowed.

The petitioner is at liberty to raise any additional grounds before the revisional authority.

It is expected that revisional authority shall decide the matter within a period of four months from the date of receipt of certified copy of this order.

A copy of this order be given to Mr. Keshav Gupta, AAG,
Haryana, for onward transmission and compliance of this order.

(AMIT RAWAL)
JUDGE

May 21, 2015
savita