

IN THE HIGH COURT OF PUNJAB & HARYANA, CHANDIGARH

CWP No. 9917 of 2015
Date of decision : May 18, 2015

Mahesh Kumar

..... Petitioner

Versus

The State of Haryana and others

..... Respondents

CORAM: HON'BLE MR. JUSTICE AMIT RAWAL

Present:- Mr. Jangvir S Hooda, Advocate
for the petitioner.

1. Whether reporters of local papers may be allowed to see the judgment ?
2. To be referred to the reporters or not?
3. Whether the judgment should be reported in the digest?

Amit Rawal, J (oral).

Learned counsel for the petitioner contends that against the order dated 18.2.2015 (Annexure P-4) of stoppage of five increments with permanent effect the petitioner had filed a statutory appeal as per Punjab Police Rules applicable to Haryana and the appellate authority without assigning reasons, much less cogent reasons in a most mechanical manner rejected the appeal.

I have heard learned counsel for the petitioner and appraised the impugned orders and the paper book. The operative part of the order of the Inspector General of Police, Rewari reads thus:-

“Perusal of the relevant record of the Departmental Enquiry reveals that correct procedure has been adopted during the disciplinary proceedings and

there are no lacunae. Further, there is sufficient evidence on record to prove the charges against the appellant. The various legal contentions raised by the appellant have been examined and found to be devoid of merit. There is simply no possibility of any leniency as the Punishing authority i.e. the then Superintendent of Police, Palwal has already taken extra leniency in awarding the punishment of stoppage of three future annual increments with permanent effect. In view of the above, I do not intend to further interfere with the order passed by the Punishing authority. Therefore, the appeal of appellant, HC Mahesh Kumar No.335/PWL is hereby rejected being devoid of any merit. The allegation in the departmental enquiry is casting aspersion on the integrity of HC Mahesh Kumar No. 335/PWL, hence this punishment should be reflected in his ACR and relevant column be recorded keeping in mind the above punishment.

The appeal is disposed off accordingly. An entry be made in the character roll of the appellant HC Mahesh Kumar No. 335/PWL and also in the HRMS data base. A copy of the order be supplied to the appellant free of cost.”

Learned counsel for the petitioner submits that the petitioner had taken substantive grounds in the appeal to challenge the order of imposition of punishment of withholding the increments but the appellate authority has not dealt with the same.

It is a matter of record that the order dated 16.4.2015 has not complied with the statutory provisions as it does conform to the standards of reasonable expectation.

The authority Appellate, was enjoined upon

obligation to assign reason, much less cogent reason, while upholding the order of punishing authority. The impugned order at its first glance appeared to be attractive, or had applied mind but on close scrutiny from the observations (supra) no reasons or any application of mind is there, rather is sketchy and mechanical. Thus, orders dated 18.2.2015 and 16.4.2015 are set aside. The matter is remitted back to respondent No.3 to decide the appeal (Annexure P-5) of the petitioner afresh by passing a detailed order, much less after hearing the petitioner in accordance with law.

It is expected that respondent No.3 shall pass an order in a most pragmatic and reasonable manner while deciding the appeal. It is expected, the appeal shall be decided within a period of four weeks from the date of receipt of certified copy of this order.

Accordingly the writ petition is allowed.

(AMIT RAWAL)
JUDGE

May 18, 2015
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