

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

RSA No. 3543 of 2010 (O&M)

Date of decision : 15.10.2015

EHC Mehar Singh

... Appellant

versus

Haryana State and another

... Respondent

Coram: Hon'ble Mr. Justice Rajesh Bindal

Present: Mr. Vikram Singh, Advocate, for the appellant.

Rajesh Bindal, J.

The plaintiff is before this Court against the concurrent findings of fact recorded by both the Courts below whereby the suit filed by him challenging the order dated 27.2.2006 passed by the Superintendent of Police, Karnal, issuing warning and the order dated 29.8.2005 on the basis of which adverse remarks were recorded in the ACR of the appellant-plaintiff, was dismissed.

In the case in hand, on the basis of allegations against the appellant that he had received ₹ 2,000/- as bribe from drivers of the trucks on 5.9.2004, a regular enquiry was conducted against the appellant. However, the Enquiry Officer exonerated him of all the charges. The Superintendent of Police disagreed with the enquiry report and while recording his dissent, issued show cause notice to the appellant, as to why punishment of dismissal be not inflicted on him. It was for the reason that the Enquiry Officer had not properly appreciated the statements made by the witnesses. Vide order dated 27.2.2006, the appellant was warned and adverse remarks were recorded in his ACR. In appeal, the same were confirmed.

Both the Courts below found that the enquiry was properly conducted in which the appellant was given due opportunity of hearing. The Superintendent of Police did not agree with the findings given by the

Enquiry Officer as statements of ASI Azad Singh, ASI Sajjan Kumar and ASI Vijay Kumar were not properly appreciated, who proved the charge against the appellant. It was found that the appellant was careless and negligent in performance of his duties. He tarnished the image of the police in the eyes of public by quarelling at public place for share in money taken from the truck drivers. The appellant as well as Constable Pardeep Singh, who was charged along with him, were found guilty. It was on that basis that even in the ACR of the appellant, adverse remarks were recorded. Once in the enquiry, which was duly conducted, the appellant was found guilty of the charges, in my opinion, there is no illegality in the judgments and decrees of both the Courts below declining to interfere with the impugned orders.

No substantial question of law arises. The appeal is accordingly dismissed.

15.10.2015

(Rajesh Bindal)

vs

Judge