

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

**C.M.No.3044-LPA of 2015 and
L.P.A.No.1425 of 2015 (O&M)
Date of Order: 14.12.2015**

Sultan Singh

..Appellant

Versus

State of Haryana and others

..Respondents

**CORAM: HON'BLE MR. JUSTICE RAJIVE BHALLA
HON'BLE MS. JUSTICE REKHA MITTAL**

**Present: Mr. Ravinder Malik, Advocate,
for the appellant.**

RAJIVE BHALLA, J (Oral)

C.M.No.3044-LPA of 2015

Prayer in this application is to condone delay of 23 days
in filing the appeal.

We have heard counsel for the appellant and as sufficient
cause has been shown, allow the application and condone the delay
of 23 days in filing the appeal.

L.P.A.No.1425 of 2015

The appellant, challenges order dated 03.07.2015,
dismissing his writ petition.

Counsel for the appellant submits that the appellant was
charge-sheeted for demanding and accepting a bribe from the
complainant's father. An FIR No.86, dated 06.04.2008, under

Sections 498-A, 406, 506 IPC was registered at Police Station Farakpur, District Yamuna Nagar. A complaint was made that the appellant had demanded and accepted a bribe during investigation. The department initiated disciplinary proceedings, but eventually on account of lack of relevant evidence of demand and acceptance of any bribe, the appellant was held guilty of failure to effect recovery of dowry articles. A punishment of stoppage of four increments with commulative effect was imposed. The departmental appeal was partly allowed by reducing the punishment to stoppage of one annual increment with permanent effect. The writ petition filed by the appellant has been dismissed without considering that the main allegation, namely, demanding and accepting a bribe has not been proved. This apart, disciplinary proceedings were initiated against the appellant without seeking approval from the District Magistrate as provided by Rule 16.80. Counsel for the appellant also submits that the accused in the FIR have been acquitted, thereby proving that the appellant did not act with dishonesty while investigating the FIR. The writ petition has primarily been dismissed on the ground that other punishments were imposed during service.

We have heard counsel for the appellant, perused the impugned order, the orders passed by the punishing authority and find no reason to entertain the appeal.

A perusal of the impugned order reveals that all relevant factors have been considered and as departmental proceedings do not disclose violation of principles of natural justice, or infraction of any rules, the appellant is not entitled to any relief. The fact that the

accused may have been acquitted in the FIR, does not detract from the appellant's conduct, of not affecting recovery, which may have been the reason for acquittal of the accused. Even otherwise the original punishment has been reduced to withholding of one annual increment. A perusal of the impugned order also reveals that during his service, six different punishments were imposed upon the appellant, and eventually the appellant was dismissed from service as he was cited as an accused in a criminal case.

Finding no merit, the appeal is dismissed, in limine.

(RAJIVE BHALLA)
JUDGE

December 14, 2015
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(REKHA MITTAL)
JUDGE