

**IN THE HIGH COURT OF JUDICATURE FOR THE STATES OF  
PUNJAB AND HARYANA, AT CHANDIGARH**

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**Letters Patent Appeal No. 872 of 2014 (O&M)**

**Date of Decision: August 21, 2015**

Zora Singh

---Appellant

Versus

State of Haryana and others

---Respondent

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**CORAM: Hon'ble Mr. Justice Satish Kumar Mittal**

**Hon'ble Mr. Justice Mahavir S. Chauhan**

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Present: Shri Vikram Anand, Advocate, for the appellant.

Shri Sandeep Moudgil, Additional Advocate General, Haryana,  
for the respondents.

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1. *Whether Reporters of local papers may be allowed to see the judgment? Yes/No*
2. *To be referred to the Reporter or not? Yes/No*
3. *Whether the judgment should be reported in the Digest? Yes/No*

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**Mahavir S. Chauhan, J.**

This intra court appeal brought by the appellant under Clause X of the Letters Patent is directed against order dated February 28, 2014 whereby the learned Single Judge has dismissed Civil Writ Petition No. 3747 of 2014 brought by the appellant to challenge order dated January 06, 2012 whereby punishment of reduction in rank has been awarded to him by Deputy Commissioner of Police, Ambala; order dated March 06, 2013 passed by Commissioner of Police, Ambala dismissing appellant's appeal; and order

dated September 25, 2013 passed by Director General of Police, Haryana dismissing revision petition of the appellant.

02. Factual matrix, put in brief, reveals that on May 06, 2011 the appellant and EASI Krishan Lal were entrusted custody of convict Raju aka Kala aka Pappu who was to be taken to Post Graduate Institute of Medical Education and Research, Chandigarh. Said convict escaped from police custody. First Information Report No. 127 of May 07, 2011 under Sections 223 and 224 of the Indian Penal Code, 1860 was registered in the matter at Police Station, Sector 11, Chandigarh. The appellant was also proceeded against departmentally.

03. Criminal proceedings launched against the appellant and his co-accused resulted into their acquittal vide judgment dated March 17, 2012 (Annexure P7) but in the departmental proceedings punishment of reduction in rank (say demotion to a lower post) was awarded to the appellant vide order dated January 06, 2012 (Annexure P4). Appeal preferred by the appellant against order dated January 06, 2012 was dismissed by the departmental appellate authority vide order dated March 06, 2013 (Annexure P10) as barred by time. Appellant then preferred a Revision Petition before Director General of Police, Haryana but it was also dismissed vide order dated September 25, 2013 (Annexure P13).

04. Learned counsel representing the appellant has heavily relied upon judgment dated March 17, 2012 (Annexure P7) to contend that the criminal court has acquitted him of the charge based on stated escape of the convict from police custody and, as such, punishment awarded to him vide order January 06, 2012 (Annexure P4) cannot be sustained and even if the

allegations against the appellant are taken to be proved, the punishment awarded to him is excessive and disproportionate to the alleged misconduct but the learned Single Judge has wrongly rejected these pleas.

05. Learned counsel appearing for the respondents, however, has defended the impugned order.

06. Factum of escape of convict Raju aka Kala aka Pappu from custody of the appellant and his companion police official is not disputed before us as also before the learned Single Judge. It is also not in dispute that the departmental proceedings launched against the appellant were based on negligence of the appellant that led to escape of the aforesaid convict from police custody. No illegality or irregularity in the procedure adopted during the departmental proceedings has been pointed out. Judicial review is permissible only to the extent of finding whether the process in reaching the decision has been observed correctly and not the decision as such or say, the scope of judicial review is limited to the deficiency in the decision making process and not the decision. Judicial review of an administrative order is permissible only if the order is illegal, or irrational, or suffers from procedural irregularity. The High Court while exercising power of judicial review under Article 226 of the Constitution can correct errors of law or procedural errors, if any, resulting in manifest miscarriage of justice or violation of principles of natural justice but does not act as an appellate authority because judicial review is not akin to adjudication on merit by re-appreciating the evidence as an appellate authority.

07. As regards acquittal of the appellant in the criminal proceedings it only needs to be stated that mere acquittal of a Government servant cannot result in his automatic reinstatement or say acquittal of a

Government servant in criminal proceedings cannot affect or influence the departmental proceedings and/or result thereof because in the criminal proceedings proof beyond reasonable doubt is insisted upon but decision of the competent punishing authority in departmental proceedings is guided by the principle of preponderance of probabilities.

08. On the quantum of punishment we may point out that disciplinary authority and on appeal, appellate authority are invested with the discretion to impose appropriate punishment keeping in view the magnitude or gravity of the proven misconduct of the delinquent Government servant. This Court, while exercising the power of judicial review, would have modified the order on quantum of punishment, either by directing the disciplinary/appellate authority to reconsider the penalty imposed, or, to shorten the litigation, would have imposed appropriate punishment upon the appellant only, if it was in exceptional and rare cases where the order passed by the punishing/appellate authority shakes the conscious of the Court or is found to be passed in flagrant violation and defiance of logic or moral standards. However, learned counsel appearing for the appellant has failed to persuade us to take such a view.

08. In view of the above, no fault can be found with the order of learned Single Judge dismissing appellant's writ petition. The appeal, therefore, fails and is dismissed.

**[SATISH KUMAR MITTAL]**  
**JUDGE**

**[MAHAVIR S. CHAUHAN]**  
**JUDGE**

**August 21, 2015**  
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