

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

LPA No. 651 of 2015 (O&M)

Date of decision: 30.04.2015

Baljit Singh

...Appellant

Versus

State of Haryana and others

...Respondents

**CORAM: HON'BLE MR. JUSTICE SATISH KUMAR MITTAL
HON'BLE MR. JUSTICE HARINDER SINGH SIDHU**

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Present: - Mr. Himanshu Puri, Advocate
for the appellant.

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HARINDER SINGH SIDHU,J.

CM No.1331-LPA-2015

For the reasons stated in the application, it is allowed and
the delay of 437 days in filing the appeal is condoned.

Main Case

This intra Court appeal under Clause X of the Letters
Patent has been filed against the judgment and order dated
15.01.2014 whereby CWP No.12601 of 2013 filed by the appellant
was dismissed. In the aforesaid writ petition, the appellant had
challenged the order dated 01.01.2010 (Annexure P-6) passed by the
Superintendent of Police, Ambala imposing a punishment of stoppage

of five increments with cumulative effect as also the orders dated 22.9.2011 (Annexure P-7) and 10.2.2012 (Annexure P-8), whereby, his appeal and revision thereagainst were dismissed.

The appellant was posted as Station House Officer in Police Station Parao, District Ambala, when criminal Case FIR No.286 dated 09.11.2005 under Sections 7 and 13 of the Prevention of Corruption Act, 1988 was registered against him on the basis of a complaint by Onkar Singh that the appellant had demanded bribe from him to arrest the accused in case FIR No.225 dated 04.09.2005 under Sections 406, 420, 506, 34 IPC. On this complaint, the Director General of Police, Haryana directed DSP Rajesh Duggal to form a raiding party, which included Navneet Mehta, complainant-Onkar Singh, Cameraman-Parminder Sharma and other Police Officials. During the raid, an amount of Rs.20,000/- was found in the file of the appellant. Apart from the registration of the criminal case, the appellant was also proceeded against departmentally and a charge-sheet dated 08.10.2009 for the same allegation was issued. A regular departmental enquiry was held in which the complainant-Onkar Singh, Navneet Mehta and the-then DSP Rajesh Kumar deposed against the appellant and the charges against him were proved to be correct.

After giving a show cause notice and opportunity of hearing, the order of punishment dated 01.01.2010 (Annexure P-6) was passed by the Superintendent of Police, Ambala. The appeal filed by the appellant was dismissed by the Inspector General of Police holding it to be time barred as it had been filed after a lapse of more than 1 ½ year. The revision filed thereagainst was dismissed by the Director General of Police, Haryana vide order dated 10.02.2012. The appellant's plea that the punishment may be set aside as he has been acquitted in the criminal case by the Special Judge, Ambala vide judgment dated 30.04.2011, was duly considered and rejected. The Director General of Police, Haryana noted that in the departmental enquiry, the allegations against the appellant were proved on the basis of the statements, amongst others of Onkar Singh and Navneet Mehta whereas, in the criminal case they had turned hostile leading to his acquittal by giving the benefit of doubt.

Learned Single Judge held that the orders passed by the authorities imposing punishment could not be faulted in law or on facts. The acquittal of the appellant in the criminal case would not be material as the standard of proof in the criminal case and departmental proceedings is different. The charges against the appellant were held

to be proved in the departmental proceedings as the material witnesses deposed against him on all material facts. It was held that even though the appellate authority has dismissed his appeal being time barred, but the revisional authority had examined the case and rightly found no material irregularities in the same.

The contention of the learned counsel for the appellant that the Director General of Police, Haryana, who was present at the time of alleged raid, had not been examined as a witness in the departmental enquiry as well as in the criminal case, hence the appellant should be given the benefit of his non-appearance, was rightly rejected by the learned Single Judge by holding that it was not the appellant's case that he had sought appearance of the Director General of Police, Haryana as a witness before the Enquiry Officer, who had refused to appear and accordingly, he could not claim any benefit on that account.

In the present appeal, learned counsel for the appellant has raised the same argument regarding his acquittal in the criminal case and the non-appearance of the Director General of Police, Haryana. Besides, he has sought to argue on the merits of the finding of the enquiry report and stressed that the complainant-Onkar Singh is

untrustworthy and is a compulsive litigant.

There is no force in the arguments, which have been rightly rejected by the learned Single Judge. It is well-settled that the scope of judicial review of departmental proceedings is very limited. This Court does not sit as an appellate authority over the findings in the departmental proceedings. It would interfere only if the findings are perverse and based on no evidence or that the proper procedure has not been followed. No such infirmity has been pointed out or has been noticed.

Accordingly, the appeal is dismissed.

(SATISH KUMAR MITTAL)
JUDGE

(HARINDER SINGH SIDHU)
JUDGE

30.04.2015

Atul