

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH.

Case No. : C. W. P.No. 14247 of 2012 (O&M)

Date of Decision : February 04, 2016

Ram Pal Petitioner
vs.
State of Haryana and others Respondents

CORAM : HON'BLE MR. JUSTICE DEEPAK SIBAL.

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To be referred to Reporters or not ?

Whether the judgment should be reported in the digest ?

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Present : Mr. Anil Malik, Advocate
for the petitioner.

Ms. Shruti Jain Goyal, AAG, Haryana.

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DEEPAK SIBAL, J. :

C. M. No. 1282 of 2016 :

Through this application, Inquiry Report dated 15.03.2011
(Annexure P-7) is sought to be placed on record.

Allowed as prayed for.

CM stands disposed of.

Main Case :

The petitioner, who serves the Haryana Police as an Assistant

Sub Inspector (ASI), has filed the present petition challenging the order of punishment of stoppage of three annual increments with temporary effect, the appellate order dismissing his appeal against the aforesaid punishment order as also the order dismissing his revision petition.

The facts in brief, which need to be noticed, are that the petitioner, along with one ASI Raghbir Singh, was departmentally proceeded against for having been negligent during the investigation in case FIR No. 105 dated 13.04.2012 under Section 3 of the Prevention of Damage to Public Property Act, registered at Police Station City, Narwana. The departmental inquiry found both Raghbir Singh and the petitioner negligent in the discharge of their duties, while investigating the aforesaid case, which had resulted in the acquittal of the accused. The inquiry had found that neither Raghbir Singh nor the petitioner took any photographs of the places where the damage to public property by way of writing of slogans had been done nor did they record the statement of the owners/holders of the property. No witnesses from the public had also been associated with the investigation. On the basis of the aforesaid acts of negligence, both Raghbir Singh and the petitioner were imposed the punishment of stoppage of three annual increments with temporary effect. The petitioner's appeal against the aforesaid punishment order was dismissed by the Inspector General of Police, Hisar Range, Hisar and his revision petition before the Director General of Police, Haryana also met the same fate.

Learned counsel for the petitioner, while admitting to no procedural lacuna or violation of principles of natural justice, argued that the investigation of the case remained with the petitioner only for 15 days and prior thereto, all the shortcomings in the investigation were attributable to Raghbir Singh, who was the Investigating Officer prior to the petitioner. He further submitted that the shortcomings in the investigation were such, which had to be done only at the initial stage, and since the petitioner's entry as the Investigating Officer was at a later stage of the investigation, he had no occasion to make good those shortcomings.

As noticed above, learned counsel for the petitioner admits to no violation of principles of natural justice, as also to no procedural lapse in the inquiry and the punishment proceedings. That being so, he leaves a very small window for this Court to exercise judicial review, particularly when the punishing Authority, Appellate Authority and Revisional Authority, who are senior officers of the Haryana Police and against whom, no mala fides are even attributed, have considered and concurrently rejected his case. Even if the petitioner was the Investigating Officer for 15 days and prior to him, Raghbir Singh had been so, it does not absolve him from making good any lacuna in the investigation left by Raghbir Singh. If Raghbir Singh had not taken photographs of the crime scene and had also not recorded the statements of the owners of the property in question, the petitioner could have. A perusal of the entire defence of the petitioner does

not show that he even tried to go to the crime scene to take photographs, which had not been taken by Raghbir Singh. There is also no evidence to show any efforts by the petitioner to record statements of the owners or holders of the property where the crime had taken place.

In view of the aforesaid, the present petition is without any merit and deserves dismissal.

Ordered accordingly.

No costs.

(DEEPAK SIBAL)
JUDGE

February 04, 2016
monika