

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CWP No.19991 of 2016

Date of Decision: 21.12.2016

Ram Chander

... Petitioner

Versus

State of Haryana and others

... Respondents

CORAM:- HON'BLE MR. JUSTICE RAJIV NARAIN RAINA

Present: Mr. Vivek Suri, Advocate,
for the petitioners.

Ms. Shruti Jain Goyal, AAG, Haryana.

RAJIV NARAIN RAINA, J.

1. Mr. Ajay Singhal, Inspector General of Police, Vigilance Haryana, formal Commissioner of Police, Ambala and Panchkula Commissionerate is present in Court with the original record. He explains that the word 'Hence' is in erratum occurring while finalizing the order when some corrections were made by hand in the draft for reprinting and while signing the order the word 'Hence' escaped notice and could not be deleted from the order by mistake and oversight.

2. This, Ms. Goyal submits has substantively changed the conclusion and meaning of the order and restricted the consideration and accordingly the mistake leaves an impression that the sentence preceding the sentence opening with the word "Hence..." was the only reason for the dismissal of the appeal and none else.

3. However, having heard Mr. Ajay Singhal in person and having read the order which is not a happy one and still lacking in recording of reasons I tend to think that justice would be sub-served only if the order is

set aside and the matter remanded to the competent authority to pass a fresh order in accordance with law. It would be open to the competent authority to take an independent view uninfluenced by the earlier order and proceed as he thinks appropriate. But he must pass a speaking order dealing with the contentions in the appeal.

4. Since the petitioner is being relegated to the stage of the first appeal, then as a natural consequence, the order passed by the Director General of Police in revision, affirming the order must also fall being non-speaking and bereft to reasons of rejection. Accordingly, depending on the outcome of the order in appeal on remand, the petitioner would be free to file a fresh revision before the DGP, Haryana, in case the fresh order to be passed is adverse to his interest.

5. In short, both the orders are set aside and parties returned to the stage of appeal where the error occurred. Fresh orders in appeal be passed without undue delay and preferably within 3 months from the date of receipt of copy of this order from court or the petitioner, whichever is earlier.

6. The petition is disposed of in the above terms.

(RAJIV NARAIN RAINA)
JUDGE

21.12.2016

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Whether speaking/reasoned Yes

Whether reportable No