

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

**CWP No.26123 of 2013 (O&M)
Date of Decision: May 12, 2016**

Prem Singh

..... Petitioner

Versus

State of Haryana and others

..... Respondents

CORAM: HON'BLE MR. JUSTICE DEEPAK SIBAL

Present: Mr. K.S. Banyana, Advocate
for the petitioner.

Mr. Harish Rathee, Sr. DAG, Haryana.

DEEPAK SIBAL J. (ORAL)

On 20.01.2011, while the petitioner was serving the Haryana Police as Exemptee Sub Inspector and posted as Incharge of Escort Guard duty at Karnal, 07 accused absconded from his custody. For this act of negligence on his part, he was departmentally proceeded against and in such proceedings having been found guilty, through order dated 08.11.2012 (Annexure P-5) was imposed the punishment of stoppage of his entire pensionary benefits and such a punishment of stoppage of pension was meted out to the petitioner because prior to the passing of the punishment order, through order dated 31.05.2011, he had been ordered to be compulsory retired.

Against the afore-referred order of punishment, the petitioner preferred a statutory appeal which through order dated 25.09.2013 was dismissed by the Inspector General of Police, Karnal Range, Karnal.

A perusal of the appellate order shows that it virtually contained no reasons.

Rule 16.31 of the Punjab Police Rules, 1934, as applicable to the State of Haryana which is relevant is reproduced below:-

“Every order passed in appeal shall contain the reasons therefore. A copy of every appellate order and the reason therefore shall be given free of cost to the appellant”.

The above-quoted Rule clearly provides that the Appellate Authority was required to pass a reasoned order on the appeal preferred by the petitioner against his punishment order but a perusal of the appellate order shows that the same is bereft of any reasons.

In view of the above, the appellate order dated 25.09.2013 (Annexure P-6) is ordered to be set aside with a direction to respondent No.3 to consider the appeal of the petitioner and decide the same through a reasoned order expeditiously but not later than four months from the date of receipt of a certified copy of this order after granting opportunity of hearing to the petitioner.

The writ petition stands allowed in the above terms.

(DEEPAK SIBAL)
JUDGE

May 12, 2016
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