

CWP No.25199 of 2016

IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH

CWP No.25199 of 2016

Date of decision: 06.12.2016

Dinesh Kumar

..... Petitioner

Versus

Union Territory Chandigarh and others

..... Respondents

**CORAM: HON'BLE MR. JUSTICE AJAY KUMAR MITTAL
HON'BLE MR. JUSTICE RAMENDRA JAIN**

Present: Mr. Anil Kumar Bhardwaj, Advocate, for the petitioner.

RAMENDRA JAIN, J.

Put pithily, petitioner was selected as Constable in the Chandigarh Police and he joined as such on 01.11.2008. He was allotted Belt No.306/CP. Vide FIR No.129 dated 02.06.2009, a criminal case under Sections 419, 420, 120-B, 511 IPC was registered against the petitioner at Police Station Sector 26, Chandigarh, on the allegations that he in criminal conspiracy helped one Shamin Khan and Dinesh to appear in the physical test during the selection of Constables by impersonating themselves as Somvir and Satinder Kumar. Consequently, petitioner was discharged from service during probation on 15.10.2009 under Rule 12.21 of the Punjab Police Rules (for short 'the Rules') as he failed to prove himself to be an efficient police officer. However, vide order dated 03.09.2014, the petitioner was exonerated of the charges framed in the aforesaid criminal case. Therefore, after the decision of the criminal case, petitioner filed review petition before the Inspector General of Police, Chandigarh, which was rejected vide order dated 05.01.2015 on the ground that there was no provision to file an appeal against the order of discharge passed under Rule

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next higher authority to entertain his review petition. However, the same was rejected as not maintainable vide order dated 20.10.2015. Aggrieved against the orders dated 15.10.2009, 05.01.2015 and 20.10.2015, petitioner approached the Central Administrative Tribunal, Chandigarh Bench, Chandigarh (for short 'the Tribunal') for quashing the aforesaid orders. The application of the petitioner was dismissed in limine by the Tribunal vide order dated 25.05.2016 (Annexure P-1).

2. Hence, the petitioner has filed this writ petition under Articles 226 and 227 of the Constitution of India for issuance of a writ in the nature of *certiorari* for quashing the judgment dated 25.05.2016 (Annexure P-1) passed by the Tribunal vide which the original application filed by the petitioner has been dismissed in limine, for quashing the order dated 22.08.2016 (Annexure P-2) vide which the review application of the petitioner has been dismissed, for quashing the order dated 15.10.2009 (Annexure A-1 with Annexure P-3) vide which the petitioner has been dismissed from service, for quashing the orders dated 05.01.2015 and 20.10.2015 vide which the review petition filed by the petitioner consequent upon his exoneration in criminal case, has been dismissed and for directing the respondents to reinstate the petitioner in service w.e.f. 15.10.2009 with all consequential benefits.

3. Learned counsel for the petitioner contended that the impugned orders are erroneous and illegal, therefore, cannot be sustained in the eyes of law. The services of the petitioner have been terminated without citing any reason. Tribunal has failed to appreciate that there was nothing adverse against the petitioner in his service record. Petitioner was exonerated in the

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impugned orders are liable to be quashed.

4. After going through the record and giving our thoughtful consideration to the submissions made by learned counsel for the petitioner, we find that the writ petition is completely devoid of any merit for the reason that there is nothing on record to show that services of the petitioner were terminated due to registration of criminal case against him. Perusal of the record shows that services of the petitioner have been terminated as he failed to prove himself to be an efficient police officer under the Rules. The termination was not founded on the registration of criminal case, but was due to the inefficiency of the petitioner in discharging his duties. The discipline and efficiency in the police force is a pre-requisite. Therefore, we do not find any illegality or perversity in the impugned orders.

5. Hence, in view of the discussion above, petitioner is not entitled to any discretionary relief under the extraordinary writ jurisdiction of this Court under Article 226 of the Constitution of India.

6. Dismissed.

7. Registry is directed to bring this order to the notice of the respondents.

(RAMENDRA JAIN)
JUDGE

December 06, 2016
R.S.

(AJAY KUMAR MITTAL)
JUDGE

Whether speaking/reasoned

Yes/No

Whether Reportable

Yes/No