

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

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**CWP-26028-2016
DATE OF DECISION:15.12.2016**

VINOD KUMAR**... Petitioner****V.****STATE OF HARYANA AND OTHERS****... Respondents****CORAM: HON'BLE MR. JUSTICE ANUPINDER SINGH GREWAL**

Present: Mr. Vivek Goyal, Advocate
for the petitioner.

ANUPINDER SINGH GREWAL, J. (ORAL)

This petition impugnes order dated 25.05.2013 (Annexure P-5), whereby punishment of stoppage of five annual increments with cumulative effect, has been imposed upon the petitioner as well as the orders dated 12.02.2014 (Annexure P-6) and 04.08.2015 (Annexure P-8), whereby his appeal and revision thereagainst, have been rejected respectively.

A regular enquiry was conducted against the petitioner and the enquiry officer, vide his report, held the charges to be proved against the petitioner. The punishing authority, vide order dated 25.05.2013, imposed punishment of stoppage of five annual grade increments with cumulative effect. The appeal of the petitioner was rejected by the I.G. on 12.02.2014 and the revision thereagainst was also rejected by the DGP on 04.08.2015.

Learned counsel for the petitioner has contended that the FIR which was the basis of the impugned order, had been cancelled and therefore, the petitioner cannot be punished with stoppage of five annual

grade increments. He has further contended that in any case, stoppage of five annual grade increments with cumulative effect, is too harsh, keeping in view the unblemished previous service record of the petitioner.

I have heard learned counsel for the petitioner.

It is noteworthy that the FIR which was registered against the petitioner by a tea stall owner, who had been beaten up and threatened by the petitioner, mentions that the tea stall owner was accepting 'entry fee' on behalf of the petitioner from trucks and although, a truck driver had paid only Rs.100/- to the complainant, the petitioner had demanded Rs.500/- and on the reluctance of the complainant to handover the amount of Rs.500/-, he was beaten up and threatened. The allegations against the petitioner have been duly enquired into by the Enquiry Officer after affording full opportunity to the petitioner. The appeal and revision of the petitioner have also been duly considered and rejected by the appellate and revisional authority.

Insofar as the argument of the learned counsel for the petitioner that the FIR was cancelled and therefore the petitioner cannot be punished is concerned, the disciplinary authorities have duly recorded that the cancellation of the FIR was as a result of a compromise between the parties. Thus, the cancellation of the FIR would not be of any help to the petitioner as he is alleged to have indulged in high-handedness and an act which is unbecoming of a police officer. It is trite that even though the criminal case against an officer may have been decided in his favour, the departmental authorities can still proceed against the officer as the standard of proof required in departmental proceedings is that of preponderance of probability while criminal case has to be proved beyond reasonable doubt.

It is also well settled that interference with the findings of the disciplinary authority, while exercising writ jurisdiction, would be called for only in case it is perverse or based on no evidence. The adequacy or sufficiency of material before the disciplinary authority will not be gone into by this Court which does not exercise appellate jurisdiction so as to re-appreciate the evidence. Judicial review in such matters is confined to the manner in which the decision is taken rather than the decision making process as such.

Furthermore, the misconduct for which the petitioner has been charged is such which would warrant a strict punishment and the punishment of withholding five annual grade increments with cumulative effect cannot in any manner be said to be disproportionate to the charges against the petitioner.

Resultantly, I do not find any merit in this petition which stands dismissed.

December 15, 2016

SwarnjitS

**(ANUPINDER SINGH GREWAL)
JUDGE**

Note:

Whether speaking/reasoned	:	Yes / No
Whether reportable	:	Yes / No