

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

**C.M. No. 6708 of 2016 in/and
CWP No. 5124 of 2014
Date of decision : 01.06.2016**

Rajinder Singh **....Petitioner**
versus

State of Haryana and others **...Respondents**

CORAM: HON'BLE MS. JUSTICE RITU BAHRI

Present: Mr. Karamveer Singh Banyana, Advocate
for the petitioner.

Mr. Hitesh Pandit, Addl.A.G. Haryana

1. To be referred to the Reporters or not?
2. Whether the judgment should be reported in the Digest?

RITU BAHRI , J.

C.M. No. 6708 of 2016

Application is allowed as prayed for.

Accordingly, Annexure R-3 and R-4 are taken on record.

C.W.P No. 5124 of 2014

Petitioner was enrolled as Constable in Haryana Police on 03.01.1988 and was promoted as EHC on 12.03.2005 and EASI on 07.01.2011. Thereafter, a joint regular departmental enquiry was initiated by respondent No. 4 against Inspector Ashok Kumar, petitioner-EASI Rajinder Singh and HC Dalbir Singh, vide order dated 17.09.2011 (P-

1) on the allegation that while posted in CIA Kaithal, they have not reported the matter of recovery of illegal weapon to the senior officers. The incident relates to 30.06.2011. The above said officials including petitioner were served with charge sheet dated 25.09.2012 (P-2). Vide report dated 19.10.2012, the Enquiry Officer exonerated the above three officials. Vide order dated 11.02.2013, respondent No. 4 accepted the report of the Enquiry Officer and filed the departmental enquiry proceedings against Inspector Ashok Kumar and HC Dalbir Singh. However, no decision was taken by respondent No. 4 about petitioner, as in the meantime, petitioner was transferred to 2nd Battalion, I.R.B Bhondsi, Gurgaon, who considered the enquiry report dated 19.10.2012. The Commandant also agreed with the finding of the Enquiry Officer and the departmental enquiry against petitioner was ordered to be filed, vide order dated 04.03.2013. The adverse remarks were conveyed to the petitioner on 10.01.2013, which were sent vide letter dated 12.12.2012 by respondent No. 4 for the period 01.04.2011 to 04.09.2011 (P-4). Petitioner gave his representation before respondent No. 3 against recording of adverse remarks, who rejected the representation of the petitioner vide order dated 24.05.2013 (P-6).

Learned counsel for the petitioner submits that once the representation of HC Dalbir Singh and Inspector Ashok Kumar against similar adverse remarks for the period from 01.04.2011 to 04.09.2011

have been accepted and the adverse remarks were expunged, vide orders dated 18.04.2013 and 30.12.2013 respectively, the representation of the petitioner should also have been accepted.

In compliance of order dated 25.02.2016, learned State counsel has placed on record the comments of the then S.P Kaithal on the representation of HC Dalbir Singh and Inspector Ashok Kumar. A bare perusal of R-3 and R-4 shows that the comments on the representations of HC Dalbir Singh and Inspector Ashok Kumar are similar with that of petitioner.

It shows that different yardstick has been adopted by the respondents while passing the impugned order. Ordinarily, this Court does not interfere in recording of ACR's as it is on account of satisfaction of the respondents but in the present case, once the petitioner as well as HC Dalbir Singh and Inspector Ashok Kumar are facing the similar allegations and the adverse remarks of HC Dalbir Singh and Inspector Ashok Kumar, the similar benefits has also be extended to the petitioner.

In view of the aforesaid observation, the present writ petition is allowed and letter dated 12.12.2012 and rejection order dated 24.05.2013 (P-6) are hereby set aside.

(RITU BAHRI)
JUDGE

01.06.2016
G Arora