

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

Sr. No.111

CWP No.3822 of 2016

Date of decision: 26.02.2016

Pawan Kumar

....Petitioner

versus

State of Haryana and others

....Respondents

CORAM: HON'BLE MR. JUSTICE DEEPAK SIBAL

Present: Mr. R.K. Malik, Senior Advocate with
Mr. Kuldeep Sheoran, Advocate, for the petitioner.

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DEEPAK SIBAL, J. (Oral)

Notice of motion.

Mr. Harish Rathee, Senior DAG, Haryana, who is present in Court, accepts notice on behalf of the respondents. Copies of the writ petition have been served upon the learned State counsel.

After hearing counsel for the parties and perusing the record, the relevant facts which have emerged are that the petitioner, who served the Haryana Police as Inspector along with others was departmentally proceeded against for receipt of illegal gratification and for giving inhuman treatment to certain individuals who had filed certain complaints with the police. Having been found guilty in the departmental enquiry, after issuance of show cause notice the disciplinary authority through order dated 05.06.2015 inflicted the punishment of 15% cut in his pension despite the fact that at the time of infliction of punishment, the petitioner had retired. The record reveals that the punishment order dated 05.06.2015 was received by the petitioner on 18.06.2015.

Challenging the aforesaid punishment order, the petitioner filed a statutory appeal before the Director General of Police, Haryana. This

appeal was filed on 15.07.2015 i.e. within the prescribed 30 days of the receipt of the punishment order, however, the appeal of the petitioner has been rejected only on the ground that the same is time barred.

As per Rule 16.30 of the Punjab Police Rules (PPR), 1934, as applicable to the State of Haryana, an appeal against the punishment order can be filed within a month of the date of the order, exclusive of the time taken to obtain a copy of the same. The Rule further provides that the delay, in appropriate cases can be condoned by the Appellate Authority.

In the case in hand, the record reveals that the punishment order was received by the petitioner on 18.06.2015 and that appeal has been preferred within a month thereof. Thus, the appeal was filed in time and should have been considered and decided on merits.

In view of the aforesaid position, the impugned order dated 30.12.2015 (Annexure P-6) is set aside with a direction to respondent No.2 to now consider and decide the appeal filed by the petitioner on merits, expeditiously but not later than three months from the date of receipt of a certified copy of this order, by passing a well reasoned and speaking order and after affording opportunity of hearing to the petitioner.

Needless to add that the decision so taken be communicated to the petitioner and if the decision is not to the satisfaction of the petitioner, he would be at liberty to challenge the same, in accordance with law.

(DEEPAK SIBAL)
JUDGE

February 26, 2016
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