

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CWP No.6582 of 2015

Date of Decision:- 28.03.2016

Rajender Singh and others

....Petitioners

Versus

State of Haryana and others

....Respondents

CORAM: HON'BLE MS. JUSTICE RITU BAHRI

Present: Mr. R.N. Lohan, Advocate,
for the petitioners.

Mr. Ravi Partap Singh, Asstt. Advocate General, Haryana.

RITU BAHRI, J. (Oral)

Petitioners by way of present writ petition are seeking quashing of order dated 07.09.2012 (Annexure P-5) and orders (Annexures P-6 to P-11).

A departmental enquiry has been initiated against ASI Harpal Singh, HC Rajender Singh, HC Satbir Singh, EASI Ram Kumar, EHC Randhir, EHC Paramjit Singh and Constable Kuldeep Singh, as per order issued by the Superintendent of Police, Jind dated 15.01.2012. The charge against the above said employees that on 09.12.2011 when you were posted as Incharge, Investigating Officer, General Duty, Police Post Dhamtan and PCR Dhamtan, then the villagers of village Dhamtan gave oral information about truck No.UP-24D-6090 loaded with cows and bulls. On receiving the

information, the PCR of the police went there two/three times but they have not taken any action. The villagers on account of no action of the police got down the bulls and cows from the truck and set it on fire in front of the police post. All the above said employees were placed under suspension and in this background the charge was issued against them and a departmental inquiry was initiated. As per inquiry report (Annexure P-3), after going through the evidence of the witnesses, the charge against the employees were found to be fully proved. Pursuant to inquiry report (Annexure P-3) a show cause notice was issued to the petitioners on 03.08.2012 (Annexure P-4). The petitioners gave their replies to the said show cause notice and the punishment of stoppage of two future annual increments with permanent effect was imposed upon them, vide order dated 07.09.2012 (Annexure P-5). The petitioners filed their respective appeals against the orders (Annexure P-5) before respondent No.3 i.e. Inspector General of Police, Hisar Range, Hisar under Rule 16.28 of the Punjab Police Rules and these appeals were rejected, vide orders (Annexures P-6 to P-10). The petitioners thereafter filed revision petitions before the Director General of Police and the same was rejected, vide order dated 22.10.2013 (Annexure P-11).

The grievance of the petitioners in the writ petition is that ASI Harpal Singh, who was Incharge of the Police Post Dhamtan, was also awarded the punishment of stoppage of two annual increments with permanent effect, vide order dated 07.09.2012 (Annexure P-5). However, on appeal filed by him the punishment has been modified to that of two future annual increments without temporary effect. The petitioners were

working under the command of ASI Harpal Singh, who was In-charge of the Police Post Dhamtan and there is no allegation that they have disobeyed the order of Incharge. The order of punishment passed in the case of ASI Harpal Singh is Annexure P-12.

Upon notice, the respondents filed written statement and the stand taken therein that the order of punishment passed in the case of ASI Harpal Singh has been justified on the ground that role of each and every witnesses was taken into consideration while considering the appeal. The petitioners did not claim parity with the revisional authority and the revision has rightly been dismissed by the DGP.

After hearing the learned counsel for the parties and going the record, this Court is of the considered view that even though the petitioners had not claim parity for reducing their punishment before the revisional authority, the order passed in favour of ASI Harpal Singh is to be examined whether in which circumstances the punishment had been reduced. A perusal of order (Annexure P-12) shows that as per the enquiry file the laxity on the part of the appellant i.e. Harpal Singh was duly proved. Statement of PW-6 Rameshwar Kumar, HPS, the then Deputy Superintendent of Police, Narwana and other independent witnesses namely PW-4 and P-5, who have turned hostile proved their signatures on Exhibit PW-4, which was a collective complaint filed by the villagers just after the incident. The departmental proceedings had been conducted in accordance with Punjab Police Rules. However, the punishment was found to be harsh and disproportionate and after taking a lenient view it was modified to stoppage of two future annual increments with temporary

effect. In the case of the present petitioners, the evidence before the authorities was the same as that in the case of ASI Harpal Singh. Since, the complaint was made against all the police officials by the villagers and the allegations against the present petitioners and ASI Harpal Singh was same. Therefore, on the basis of same complaint the petitioners could not be punished for stoppage of two annual increments with permanent effect but at the same time ASI Harpal Singh has been given a lenient view by reducing stoppage of two increments with temporary effect. Hence, the present writ petition is allowed and the orders of punishment are set aside/modified to the extent of stoppage of two future annual increments with temporary effect as has been done in the case of ASI Harpal Singh vide order (Annexure P-12).

March 28, 2016
naresh.k

(**RITU BAHRI**)
JUDGE