

LPA-965-2015 (O&M)

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IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

LPA-965-2015 (O&M)

Date of Decision: November 30, 2016

Naveen Kumar

.....Appellant

Versus

State of Haryana and others

.....Respondents

**CORAM: HON'BLE MR.JUSTICE SURYA KANT
HON'BLE MR. JUSTICE SUDIP AHLUWALIA**

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| 1. | To be referred to the Reporters or not? | Yes/No |
| 2. | Whether the judgment should be reported in the Digest? | Yes/No. |
| 3. | Whether Reporters of local papers may be allowed to see the judgment? | Yes/No |

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Present: Mr.C.S.Singh, Advocate for
Mr.Gaurav Hooda, Advocate
for the appellant.

Ms.Palika Monga, DAG, Haryana.

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SURYA KANT, J.

This Letters Patent Appeal assails the order dated 04.11.2014 vide which the appellant's writ petition challenging the order of his discharge from the post of Constable in Haryana Police, has been dismissed by the learned Single Judge.

Briefly, the facts are as follows.

The appellant was recruited as a Constable in Haryana Police somewhere in the year 2011 (the date has not been disclosed). He was admittedly still on probation when a case under Section 376, 342 and 506,

IPC was registered against him on 29.08.2013 on the complaint made by the

prosecutrix who was statedly a minor. The appellant was arrested.

It is pertinent to mention that in addition to the FIR, the victim made a written complaint to the Commandant 4th Battalion, IRB, Bhondsi, whereunder the appellant was serving as a probationer Constable. The said complaint not only specifically alleged the commission of rape but contained further allegations of allurement, threat and coercion.

Taking into consideration the nature of allegations, the appellant was discharged from service in exercise of powers under Rule 12.21 of the Punjab Police Rules, 1934, as applicable to State of Haryana. The aforesaid Rule empowers the Competent Authority to discharge a Constable from service while on probation if he is not likely to prove to be an efficient Police Officer.

The order of discharge is innocuous and does not attribute any allegation or misconduct to the appellant.

He challenged the order of discharge after he was acquitted in the criminal case on the plea that the allegations have been found to be false. The authorities declined to accept the afore-stated plea for the simple reason that on the basis of complaint received in the department, a preliminary enquiry was conducted and the allegations were substantiated vide report dated 13.01.2014. That report was sufficient for the Competent Authority to form a bona fide opinion that the appellant was not likely to prove himself as an efficient Police Officer.

It is well settled that quality of evidence required to prove a charge in the criminal trial has to be beyond any doubt whereas the departmental action can be taken even on the basis of inferences.

No case to interfere with the order under appeal is made out.
Dismissed.

(SURYA KANT)
JUDGE

November 30, 2016
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(SUDIP AHLUWALIA)
JUDGE

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| 1. | Whether speaking/reasoned ? | Yes/No |
| 2. | Whether reportable ? | Yes/No |