

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

LPA-803-2016

Date of Decision: July 29, 2016

Const.Tarshem and another

.....Appellants

Versus

State of Haryana and others

.....Respondents

**CORAM: HON'BLE MR.JUSTICE SURYA KANT
HON'BLE MR. JUSTICE DARSHAN SINGH**

Present: Mr.G.S.Gopera, Advocate
for the appellants.

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SURYA KANT, J.

This intra-Court appeal is directed against the order dated 28.03.2016 whereby learned Single Judge has declined to interfere in the order of punishment of stoppage of two increments with cumulative effect imposed upon the appellants, who are Constables in Haryana Police.

The allegations against the appellants in the domestic enquiry were that while they were on election duty in Tripura State and entrusted with arms and ammunition including one magazine and 50 rounds, they kept the ammunition in the bag of appellant No.2 and negligently lost that bag when they reached Railway Station Guwahati. Rapat No.3 dated 31.01.2013 was got registered in the *roznamcha* to that effect. The bag was subsequently recovered from 'D' Company, namely, another company of Constables, who were also deputed for the election duty. The enquiry Officer found the

appellants guilty or being negligent and on the basis, the Disciplinary Authority imposed the above-stated punishment. The appellate authority also declined to reduce the punishment.

The scope of judicial review in such like matters is limited. Learned Single Judge was expected to consider whether the decision making process was in conformity with the principles of natural justice and the Statutory Rules, if any. Nothing has been urged to make out a case that the appellants were not adequately heard or were denied to lead their defence or they went unheard on the quantum of punishment. It is not a case where the nature of punishment is so disproportionate that it should prick the conscious of Court. As a member of the disciplined force the appellants were expected to handle and take care of the ammunition vigilantly. The negligence on their part, which has been established in a fact finding enquiry, was bound to entail some penal consequences.

In these circumstances, we do not find any reason to interfere with the order passed by learned Single Judge.

Dismissed.

(SURYA KANT)
JUDGE

July 29, 2016
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(DARSHAN SINGH)
JUDGE

Whether speaking/reasoned
Whether Reportable

: Yes/No
: Yes/No