

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

-.-

C.W.P No. 15140 of 2014

Date of decision: 03.10.2017

Manoj Kumar

...Petitioner

Vs.

Sate of Haryana & Ors.

...Respondents

CORAM: HON'BLE MR. JUSTICE G.S.SANDHAWALIA

Present: Mr. Aditya Yadav, Advocate, for the petitioner.

Ms. Shruti Jain Goyal, AAG, Haryana.

G.S.SANDHAWALIA, J. (Oral).

The petitioner challenges the stoppage of one future annual increment with permanent effect, which has been imposed by the Inspector General of Police, Rohtak Range, Rohtak vide order dated 03.03.2014 (Annexure P/7). The same has been done in pursuance of the departmental enquiry. It is not disputed that initially the Superintendent of Police, Rohtak had ordered the punishment of stoppage of four annual increments with permanent effect. The appeal had been rejected being time barred and the revision petition has also been rejected by the Director General of Police on 01.09.2012 (Annexure P/5).

The petitioner had approached this Court in C.W.P. No. 25420 of 2013 in which the matter had been sent back to the stage of first appeal since the first appeal had been held barred by limitation at that point of time and the matter had never been decided on merits. Resultantly, the impugned order has now been passed, whereby stoppage of one future annual increment has been awarded after reducing it from four annual increments with permanent effect.

State has objected to the writ petition on the ground that there is a remedy available to the petitioner to file appeal (Sic revision). Admittedly on earlier occasion also the petitioner had approached respondent No.2 and, therefore, there is an alternative remedy as such available of filing a revision before the said respondent which has not been availed of. It is a settled principle that the once an alternative and efficacious remedy is available, this Court will not exercise its discretionary powers under Article 226. The Apex Court in **United Bank of India v. Satyavati Tondon and others (2010) 8 SCC 110** has held to this extent.

Faced with this situation, counsel for the petitioner submits that he be given liberty to file a revision petition against the impugned order.

Accordingly, the petitioner is granted above said liberty provided he files the revision petition within a period of two weeks from today. Needless to say that respondent No.2 shall decide the said revision on merits keeping in view the fact that the matter was pending before this Court since then.

October 03, 2017
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(G.S. SANDHAWALIA)
JUDGE

Whether speaking/reasoned : Yes/No
Whether Reportable : Yes/No