

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

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**CWP-17750-2015 (O&M)
Date of decision: 19.04.2017**

Tek Chand

....Petitioner

Versus

State of Haryana and others

.... Respondents

CORAM: Hon'ble Mr. Justice P.B. Bajanthri

Present: Mr. R.S.Sihota, Sr. Advocate with
Mr. B.R.Rana, Advocate for the petitioner.

Mr. Sushil Gautam, DAG, Haryana.

P.B. Bajanthri, J. (Oral)

In the instant writ petition, the petitioner has questioned the validity of the discharge order dated 04.12.2014. Learned counsel for the petitioner submitted that perusal of order of discharge it is evident that there were serious allegations against the petitioner. Without holding inquiry, petitioner has been discharged from service. It was contended that allegations followed by discharge attaches stigma. Therefore, without holding inquiry, petitioner cannot be discharged from service.

On the other hand, learned counsel for the respondents on instructions from H.C. Ajay Kumar fairly submitted that order of discharge has been passed without holding inquiry.

Heard learned counsel for the parties.

Order of discharge reads as under:-

*“No. Dated (.) Discharge from
service(.) As per report received from the Supdt. Of*

Police, Hisar vide his office memo No. 30602 dated 01.12.2014, the activities of Rect. Const. Tek Chand No. 3/410 has been found illegal and unconstitutional. On the allegations that during the search of Satlok Asharam, Barwala on 20.11.2014 he checked the purse & precious articles of followers of Satlok Asharam, Barwala without any permission of higher authorities or his supervisory officer. This part shows gravest act of misconduct, dishonesty, undiscipline, irresponsible & negligence in his duty of the above said official.

Therefore, I satender Gupta, IPS, Commandant 3rd Bn.HAP, Hisar exercise the power vested by virtue of Punjab Police Rules, 12.21 and discharge the Rect. Ct.Tekchand No.3/410 of this Battalion from Govt. Service with immediate effect(.)”

Perusal of the order of discharge it is evident that on the allegations the petitioner has been discharged from service under Rule 12.21 of the Punjab Police Rules. Allegations are stigmatic in nature. Therefore, without holding inquiry petitioner cannot be discharged from service. Consequently, order of discharge dated 04.12.2014 is hereby set aside.

CWP stands allowed. Reserving liberty to the respondents to hold disciplinary proceedings and take action in accordance with law.

19.04.2017
pooja saini

(P.B.BAJANTHRI)
JUDGE

Whether speaking/reasons

Yes/No

Whether Reportable:

Yes/No