

IN THE HIGH COURT FOR THE STATES OF PUNJAB AND HARYANA
AT CHANDIGARH

CWP No.23771 of 2014

Date of Decision: July 05, 2017

SI Virender Singh

...Petitioner

Versus

State of Haryana and others

...Respondents

CORAM: HON'BLE MR. JUSTICE AMOL RATTAN SINGH

Present:- Mr. S.S. Duhan, Advocate, for the petitioner.
Mr. R.K. Doon, AAG, Haryana.

Amol Rattan Singh, J. (Oral)

Learned counsel for the petitioner points to the order of the appellate authority, i.e. the Inspector General of Police, Hisar Range, Annexure P-8, wherein while dismissing the appeal of the petitioner, it has been stated that the appeal was filed 1 year and 3 months after the punishment order was passed, without giving any cogent reason for the delay, whereas as per Rule 16.30 (2) of the Punjab Police Rules, 1934 (as applicable to State of Haryana), the appeal is required to be filed within 30 days from the date of receipt of the punishment order.

Learned counsel for the petitioner has also pointed to the appeal itself filed before the Inspector General of Police, a copy of which is shown to be Annexure P-7, wherein at the outset itself, it is stated that the reply was sent to the Inspector General of Police, Rewari Range by the Superintendent of Police vide his memo dated 01.11.2013 and that the reply sent was returned to the petitioner on 16.11.2013 by the Superintendent of

Police, Jind, vide a memo dated 13.11.2013.

Hence, in the opinion of this Court, the observation of the appellate authority (the Inspector General of Police, Hisar Range), would apparently not be borne out by the reason given in the first paragraph of the appeal filed by the petitioner. If the said reason given by the petitioner was factually incorrect, it should have been stated so in the order of the appellate authority.

Consequently, the order of the appellate authority, Annexure P-8, is quashed and the matter is remitted to the said authority to decide the appeal of the petitioner on merits itself, within a period of three months from the date of the receipt of a certified copy of this order.

It is to be noticed that it has not been pointed out by either counsel that any revision petition against the dismissal of the appeal was filed by the petitioner, before the Director General of Police, Haryana.

Hence, this appeal is allowed to the aforesaid extent.

July 05, 2017
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(**Amol Rattan Singh**)
Judge

Whether speaking/reasoned:	Yes
Whether reportable:	no