

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CWP No. 19485 of 2017
Date of decision: 30.08.2017

Dinesh Kumar

....Petitioner(s)

Versus

State of Haryana and others

...Respondent(s)

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

Present: Mr. Vishwajeet Singh, Advocate,
for the petitioner.

G.S.SANDHAWALIA, J. (Oral)

The petitioner has been discharged under Rule 12.21 of the Punjab Police Rules, 1934 vide order dated 08.09.2016 (Annexure P-8) passed by respondent no. 4 on the ground that he is unlikely to become an efficient police officer. The petitioner had been appointed as a temporary constable on 16.07.2014 (Annexure P-3 colly).

Counsel for the petitioner has argued that the petitioner is an ex-serviceman and was discharged from the Indian Army on 31.10.2012 and, therefore, the impugned order is not justifiable. The appeals and representations have been dismissed on account of the fact that there is no such remedy available against the order of discharge. Rule 12.21 reads thus:-

“12.21. Discharge of inefficients.- A constable who is found unlikely to prove an efficient police officer may be discharged by the Superintendent at any time within three years of enrolment. There shall be no appeal against an order of discharge under this rule.”

A perusal of the above would go on to show that within three years of enrolment, the Superintendent can discharge a police officer on the ground that he is unlikely to prove to be an efficient officer and no appeal is provided. The period of three years, thus, is a period where the petitioner was under a close check and can be termed to be similar as to one under probation. It is not disputed that there was a reason as such on account of the fact that the petitioner was discharged since he was posted in a sensitive area namely the Haryana Raj Bhawan on 21.07.2016. On guard duty, he was found to be under influence of liquor and not in control of the arms and ammunitions. He had skipped duty on account of the checking and only then come back after 2 days, 12 hours and 5 minutes, which has led to the discharge order being passed.

In such circumstances, the order which has been passed cannot be said to be vitiated in any manner and resultantly, there is no scope for interference and the present writ petition is dismissed in limine.

30.08.2017
shivani

(G.S. SANDHAWALIA)
JUDGE

Whether reasoned/speaking

Yes/No

Whether reportable

Yes/No