

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

CWP No. 26501 of 2014

Date of Decision: 09.08.2017

EASI Ram Niwas No. 746

.....Petitioner

Vs.

State of Haryana and others

.....Respondents

2.

CWP No. 5792 of 2015

EHC Sanjeev Kumar No. 762

.... Petitioner

Vs.

State of Haryana and others

.....Respondents

3.

CWP No. 5800 of 2015

EHC Rajesh Kumar No. 590

....Petitioner

State of Haryana and others

...Respondents

CORAM: HON'BLE MR. JUSTICE AMOL RATTAN SINGH

Present: Mr. R.S. Budhwar, Advocate,
for the petitioner (s).

Mr. R.K. Doon, A.A.G., Haryana.

AMOL RATTAN SINGH, J. (ORAL)

In these three petitions, the petitioners have challenged the orders
of punishment of stoppage of increments, which are four annual increments

with cumulative effect in the case of EHC Sanjeev Kumar and stoppage of one annual increment each, with cumulative effect, in the cases of EASI Ram Niwas and EHC Rajesh Kumar, imposed upon them by the Superintendent of Police, Panipat, vide the order, Annexure P-4.

CWP No. 5792 of 2015

As regards EHC Sanjeev Kumar, the allegations against him were that he took Rs. 100/- as bribe from the driver/owner of a Eicher Canter Vehicle while on patrolling duty and had in fact he had switched duties, inasmuch as he was on duty as a rider and not on the Police Control Room van.

The enquiry officer found the petitioner innocent on the basis of the fact that the currency note of Rs. 100/- was not found to have been recovered from him by the Deputy Superintendent of Police and therefore, he was essentially given the “benefit of doubt” by the enquiry officer.

The punishing authority, however, disagreed with the findings of the enquiry officer and issued a show cause notice to the petitioner, as to why in the circumstances as reported by the Deputy Superintendent of Police, Panipat, the charges be not held to be proved against him and he be not imposed a punishment of stoppage of five increments with cumulative effect.

The petitioner having filed a reply thereto, the first contention of learned counsel for the petitioner is that what has been stated in the reply has not been considered by the punishing authority, inasmuch as the petitioner has stated that he has only been charge-sheeted on the basis of suspicion.

The punishing authority however came to the conclusion that firstly, the petitioner had switched duties without informing any of his superiors, which he was bound to do, which was also one of the charges

against him, and secondly, as per the version of the Deputy Superintendent of Police, the petitioner had actually taken advantage of the fact that it was 5:15 a.m. in the morning and it was dark and had run away from the spot and had thrown away the money that had been received by him.

The petitioners' contention that the driver of the Eicher vehicle had actually stopped only to ask for directions, was disbelieved by the competent authority, holding that on an absolutely straight road, there would be no reason to stop a vehicle to ask for directions.

Having considered the aforesaid argument, the competent authority, i.e. the Superintendent of Police, Panipat, having gone into the matter in detail and having believed the version of the Deputy Superintendent of Police, that the driver of the PCR vehicle also actually ran away with the vehicle, and that the petitioner, EHC Sanjeev Kumar, took advantage of the darkness and disposed of the money alleged to have been taken by him, and in any case he having exchanged duties without informing a higher authority, with there being not even an allegation of *mala fide* against either the punishing authority or the Deputy Superintendent of Police, I find no reason to interfere with the impugned orders, passed after due deliberation by the competent authority, duly upheld by the appellate and revisional authorities.

Consequently, this petition is dismissed.

CWP No. 5800 of 2015

In this case, the enquiry officer, in his common enquiry report, also found the petitioner innocent, essentially on the same ground as in case of the other delinquent. The Superintendent of Police, Panipat, again disagreed with that finding and issued the petitioner a show cause notice as to why two future annual increments be not stopped with permanent effect.

The petitioner having filed a reply thereto, the punishing authority did not agree with his reply and eventually found him guilty of at least of having exchanged duties without informing his superiors and in the entire circumstances imposed upon him a punishment of stoppage of one future increment with permanent effect.

The said punishment has been approved by the appellate and the revisional authority as in the other case.

In this case, reasons for disagreement having been duly given by the punishing authority, for disagreeing with the report of the enquiry officer, which I do not finding to be perverse in any manner, I see no reason to disagree with that finding or the punishment, imposed. Consequently this petition is also dismissed.

CWP No. 26501 of 2014

In this case, the enquiry officer in his common inquiry report also found that the petitioner was innocent, again essentially on the same ground as in case of the other delinquent. The competent authority, i.e. Superintendent of Police, Panipat, disagreed with that finding, also in respect of the present petitioner, and issued him a show cause notice as to why two future annual increments be not stopped with permanent effect.

The petitioner having filed a reply thereto, his version was not accepted by the punishing authority, who eventually imposed upon him a punishment of stoppage of one future increment with permanent effect.

The said punishment has been approved by the appellate and the revisional authority, as in the other case.

However, while imposing the aforesaid punishment, the specific role attributed to the petitioner, EASI Ram Niwas, has not been mentioned at

all in the impugned order of the punishing authority, or by the appellate and revisional authorities.

Though learned counsel for the State has submitted that in this petition EASI Ram Niwas was in-charge of the PCR van and therefore he has been held equally guilty, along with four other persons, I do not see that reasoning coming anywhere in the order of the punishing authority.

Consequently, this petition is allowed to the extent that the impugned order is quashed as regards the petitioner EASI Ram Niwas, with liberty to the punishing authority to go into the issue again and to determine as to whether any role at all is attributed to the petitioner in this case, due to which he would deserve to be punished (or not).

August 09, 2017
nitin/dinesh

(AMOL RATTAN SINGH)
JUDGE

Whether speaking/reasoned

Yes

Whether Reportable

No.