

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CWP No.25858 of 2015 (O&M)
Date of Decision:-08.03.2017.

Subhash Chand

.....Petitioner

Versus

State of Haryana and others

.....Respondents

CORAM: HON'BLE MR. JUSTICE P.B. BAJANTHRI

Present: Mr. R.K. Malik, Senior Advocate with
Mr. Ramandeep Singh, Advocate for the petitioner.

Mr. Apoorv Garg, DAG, Haryana.

P.B. BAJANTHRI, J. (Oral)

1.) Petitioner while working as a Head Constable, he was subjected to disciplinary proceedings which were concluded in imposing the penalty of stoppage of two increments with cumulative effect. Feeling aggrieved by the order of penalty, he preferred an appeal before the Appellate Authority. The Appellate Authority confirmed the order of disciplinary authority. Thereafter, he preferred a revision petition under Rule, 16.32 of the Punjab Police Rules, 1934 and the revisional authority rejected the revision petition on 9.10.2015 without examining the merits of the case. Solely on the ground of delay in filing the revision petition, petitioner's revision petition has been rejected while recording that the revision petition is not within the stipulated period of one month from the date of dispatch of the Appellate

Authority's order.

2.) Learned counsel for the petitioner submitted that order of Appellate Authority was received by the petitioner on 9.6.2015 and thereafter, petitioner had submitted his revision petition on 22.7.2015 which is few days after lapse of one month. In this regard, the petitioner should have submitted an application for condonation of delay of few days i.e. filing of revision petition beyond period of one month. The revisional authority proceeded to reject the petitioner's revision petition stating that there is a delay of 8 months and it is barred by limitation. For the purpose of considering the revision petition, the revisional authority should have considered the condonation of delay. Since the petitioner has not submitted application for condonation of delay, rightly the revisional authority has taken a decision to reject the petitioner's revision petition.

3.) Learned counsel for the petitioner further submitted that stoppage of two increments with cumulative effect has been taken into consideration for the purpose of retiring the petitioner compulsorily on 6.11.2015. Therefore, it was contended that stoppage of two increments with cumulative effect is set aside by the revisional authority then, the petitioner could ask for reviewing the order of compulsorily retirement dated 6.11.2015. In this background, revisional authority's order dated 9.10.2015 is set aside since revision petition has not been decided on merits. The petitioner is permitted to file an application for condonation of delay before the revisional authority and in addition to that if he wants to make any additional ground in support of his revision petition, he may do so within a period of four weeks from today. If such an application for condonation of delay and additional grounds are taken before the revisional

authority, the revisional authority is directed to decide the revision petition within a period of four months from today.

4.) Petition stands disposed of.

(P.B. BAJANTHRI)
JUDGE

March 08, 2017.
sandeep sethi

Whether speaking/reasoned:-

Yes / No

Whether Reportable:-

Yes / No.