

**CM-4965-CWP-2017 IN/AND
CWP-25771-2016**

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

**CM-4965-CWP-2017 IN/AND
CWP-25771-2016
Date of Decision : 05.04.2017**

EASI DINESH KUMAR

..... Petitioner

Versus

STATE OF HARYANA AND OTHERS

..... Respondents

CORAM : HON'BLE MR.JUSTICE AJAY TEWARI

Present : Mr. Lajpat Sharma, Advocate
for the applicant-petitioner.

Mr. Ravi Partap Singh, AAG, Haryana.

AJAY TEWARI, J. (Oral)

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This is an application for amendment. As per the application,
the petitioner wants to lay the challenge to the enquiry report also.

For the reasons recorded in the application, the same is
allowed and amended writ petition has been taken on record.

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By this petition, the petitioner has challenged the enquiry report
dated 27/10/2014 (Annexure P-1) and the orders dated 11/11/2014,
13/02/2015, 22/06/2015 thereby the petitioner has been awarded the
punishment of stoppage of two annual increments with permanent effect.

Brief facts of the case are that the petitioner was EASI Sub
Inspector and was absent w.e.f 10.06.2014 without leave. On 14.6.2014 it

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was alleged that he appeared in the office of Police line, Bhiwani without uniform and under the influence of liquor and started behaving indecently. He was taken for medical examination where he refused to give his urine and blood samples. The Medical opinion suggested that he was drunk and ultimately after giving him all the requisite opportunity he was found guilty and imposed the punishment as mentioned above.

The argument raised by learned counsel for the petitioner is on the basis of cross-examination which was made by medical officer when the medical officer admitted that cough syrup smells just like alcohol and the petitioner never misbehaved with him during the medical examination and on the basis of these answers he argued that the case against petitioner is false. However, there is no explanation why the petitioner refused to take the conclusive test that of giving blood and urine samples. Had the petitioner given his blood and urine samples that would prove beyond doubt if he was drunk or not. By refusing to give his blood and urine samples an adverse inference has been drawn against the petitioner and that inference cannot be displaced only by the two answers quoted above.

Petition stands dismissed.

Since the main case has been decided, the pending Civil Misc. Application, if any, also stands disposed of.

**05.04.2017
anuradha**

**(AJAY TEWARI)
JUDGE**

Whether speaking/reasoned - Yes/No

Whether reportable - Yes/No