

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

C.W.P. No.26763 of 2015 (O&M)

Date of Decision:22.08.2017

Amit Grewal**Petitioner**
Vs.
State of Punjab and others**Respondents**

CORAM:- HON'BLE MR. JUSTICE RAKESH KUMAR JAIN

Present:- Mr. Gurcharan Dass, Advocate for the petitioner.

Mr. Saurav Khurana, DAG, Punjab.

Rakesh Kumar Jain, J. (Oral)

The petitioner has prayed for a writ in the nature of mandamus seeking a direction to respondent No.2, i.e. Deputy Commissioner (exercising the powers of District Magistrate), Ludhiana to take action on the inquiry report of Ms. Saina Aggarwal, Sub Divisional Magistrate, Raikot dated 18.06.2015 and to proceed against Inspector Amarjit Singh, departmentally, in terms of the provisions of Rule 16.38 of the Punjab Police Rules, 1934.

On 06.04.2017, the following order was passed:-

“Learned State Counsel prays for short accommodation to apprise this Court about the fallout of the fresh inquiry report dated 30.03.2016 (Annexure P-8) conducted by the Sub-Divisional Magistrate and the decision dated 31.03.2016 (Annexure P-9) of the District Magistrate.

Adjourned to 03.05.2017.”

In pursuance of the aforesaid order, the Deputy Commissioner, Ludhiana has filed his affidavit dated 02.08.2017 in which he has made the following averments:-

- “2. That the enquiry report dated 30.03.2016 was submitted by SDM Raikot in which SHO PS Haibowal, Inspector Amarjit Singh was indicted for dereliction in his official duty. The report was submitted to then District Magistrate, Ludhiana and then District Magistrate, Ludhiana vide order dated 31.03.2016 recommended the action under the PPR to the Commissioner Police, Ludhiana against the erring SHO, Inspector Amarjit Singh.
3. That letter no.4212/PB dated 05.06.2017 was sent to Commissioner of Police Ludhiana for seeking the action taken report on the order dated 31.03.2016 and again D.O. Letter no.4401/PB dated 13.06.2017 in this regard on which a letter no.2501 dated 14.06.2017 was received from the office of Commissioner of Police Ludhiana and it was informed that a departmental inquiry was conducted by Sh. Sandeep Garg, IPS, ADCP, Ludhiana and in that inquiry report the charges against SHO, Inspector Amarjit Singh were not proved and hence the departmental inquiry was filed vide order no.760-61/PA dated 21.02.2017.”

Faced with the aforesaid facts and circumstances, counsel for the petitioner prays for withdrawal of the petition at this stage in order to take his remedy of assailing the validity of the subsequent inquiry report of

Sandeep Garg IPS, who has exonerated Amarjit Singh Inspector.

It is made clear that in case the petitioner applies for any information to the concerned respondent which is liable to be provided under the Right to Information Act, 2005 then the same shall be provided to the petitioner immediately.

August 22, 2017
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(RAKESH KUMAR JAIN)
JUDGE

Whether Speaking/reasoned	Yes/No
Whether Reportable	Yes/No