

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

CWP No. 26621 of 2017
Date of decision: 22.11.2017

HC Naresh Kumar

....Petitioner(s)

Versus

State of Haryana and others

...Respondent(s)

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

Present: Mr. K.S. Banyana, Advocate,
for the petitioner.

G.S.SANDHAWALIA, J.

The petitioner challenges the inquiry report dated 06.11.2012 (Annexure P-2) and the punishment order dated 10.01.2013 (Annexure P-4). The appellate order dated 06.09.2013 (Annexure P-5) and the upholding of the punishment by the Revisional Authority dated 18.12.2013 (Annexure P-7) has also been challenged. It is not disputed that thereafter a mercy appeal was also filed before the Additional Chief Secretary, which has not been considered vide order dated 21.07.2014 (Annexure P-9) in view of the instructions of the Government.

The initial order of punishment which was passed by respondent no. 4 was stoppage of two annual increments with permanent effect instead of proposed punishment of stoppage of 5 annual increments. The order was modified in appeal by respondent no. 3-Inspector General of Police, Karnal Range on 06.09.2013 wherein, stoppage of one future annual increment with permanent effect was imposed and the petitioner is aggrieved against the said punishment.

A perusal of the file would go on to show that punishment was

imposed on account of the fact that one road accident had taken place on 10.04.2012 and the petitioner had been deputed from the police station to reach the spot for taking action. He did not make any effort to trace out the victim nor he registered any criminal case. It was noticed that the car driver who was involved in the accident had taken the injured Labh Singh to hospital and he had been further moved to Panipat in ambulance. The FIR was thereafter lodged on 22.05.2012.

Counsel for the petitioner has stated that the complainant had given the statement in favour of the petitioner and, therefore, even if there was any delay in lodging of the FIR, the petitioner has been wrongly punished and, therefore, the departmental inquiry should be set aside.

The charge against the petitioner as such was on account of the fact that he had brought the motor cycle to the police station but thereafter made no inquiry regarding who was the owner and neither had registered any case against the driver of the car who was involved in the accident and neither tried to trace out the victim. It is on such account show cause notice was duly issued and the inquiry proceedings culminated against the petitioner.

The inquiry proceedings would also go on to show that as many as 5 witnesses were examined on behalf of the department which were duly cross examined by the petitioner. Similarly, he had examined as many as 3 defence witnesses and on the basis of the material which had come on record, the inquiry officer had arrived at a conclusion against him. On the basis of the same, there was a proposal to impose punishment of stoppage of 5 annual increments with permanent effect upon him but eventually it led to the stoppage of 2 annual increments with permanent effect by the

disciplinary authority. The said punishment was further varied by the Appellate Authority and in such circumstances, once there is no illegality or irregularity in the holding of the departmental inquiry, the view which has been taken by the authorities below to impose major penalty in the shape of stoppage of one future annual increment with permanent effect does not suffer from any illegality or infirmity, which would be required to be gone into by this Court.

Accordingly, finding no merit in the present writ petition, the same is dismissed in limine.

22.11.2017
shivani

(G.S. SANDHAWALIA)
JUDGE

Whether reasoned/speaking

Yes/No

Whether reportable

Yes/No