

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

CWP No. 8579 of 2016 (O&M)
Date of decision : May 10, 2017

Hasti Singh

..... Petitioner

v.

State of Haryana and others,

..... Respondents

CORAM : HON'BLE MR. JUSTICE AJAY TEWARI

Present : Mr. Ramesh Goyat, Advocate
for the petitioner.

Mr. Harish Rathee, Sr. DAG Haryana

Ajay Tewari, J (Oral)

By way of this writ petition, the petitioner has challenged the action of the respondents in discharging him from service.

Brief facts are that the petitioner was enrolled as a Constable on 9.8.2011 with the respondent-department. While he was on training, the Mess Incharge of the Police Training College reported to the Inspector General of Police that the petitioner and one Constable Ravinder 4/208 were showing indiscipline because they were neither taking food nor had they allowed others to do so. Subsequent to that report, the impugned order, Annexure P-3, was passed whereby the petitioner was discharged from service under Rule 12.21 of the Punjab Police Rules. It is not disputed that an identical order was passed against Constable Ravinder 4/208 also.

The petitioner filed an appeal and since that appeal was not being decided, he approached this Court by way of CWP No.446 of 2016 which was disposed of with a direction to the DGP to decide the appeal by passing a speaking order. On the other hand, Constable Ravinder filed CWP No.16074 of 2013 challenging the order of discharge directly. That writ petition was decided by this Court by judgment/order dated 12.9.2014 with a direction to the competent authority to reconsider the matter and pass a fresh order. Pursuant to that, order Annexure P-11 was passed whereby the competent authority held that the complainant HC Balbir Singh was not a credible complainant/witness and set aside the order of discharge of Ravinder and reinstated him in service. On the other hand, the appeal which was filed by the petitioner was dismissed by the DGP holding that no appeal was provided under Rule 12.21 of the Punjab Police Rules.

There can be no doubt that in law the order of the DGP is an unexceptional order and no appeal is provided against the order of discharge. That is however not the end of the matter. What has now come on record is that similarly situated Constable Ravinder has been given the benefit of setting aside of the impugned order and has been reinstated in service after recording a finding by the competent authority that the complainant was not credible and had made contradictory statements. If that was true qua Constable Ravinder it cannot be held to be untrue qua the present petitioner. In the circumstances, both the impugned orders, Annexures P-3 and P-9/R-1 have to be set aside.

Consequently, this writ petition is allowed in the same terms as in CWP No.16074 of 2013, Ravinder vs State of Haryana and others (Annexure P-10). The competent authority is directed to reconsider the

matter and pass a fresh order.

Since the main case has been decided, the pending Misc.
Applications, if any, also stand disposed of.

May 10, 2017
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(AJAY TEWARI)
JUDGE

Whether speaking/reasoned:	Yes/No
Whether Reportable:	Yes/No