

IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH.

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CWP No.5217 of 2017

Date of decision:25.10.2017

EASI Ramesh Kumar

... Petitioner

versus

State of Haryana and others

... Respondents

CORAM: HON'BLE MR. JUSTICE AMOL RATTAN SINGH.

Present: Mr.G.S.Gopera, Advocate,
for the petitioner

...

AMOL RATTAN SINGH, J. (Oral)

By this petition, the petitioner seeks quashing of the impugned orders, Annexures P-1, P-3, P-5 and P-7, passed by respondents no.4, 3, 2 and 1 respectively.

Whereas the order Annexure P-1 has been passed by respondent no.4, i.e. Superintendent of Police, Panipat, on 15.4.2002, imposing a punishment of stoppage of 5 increments with cumulative effect upon the petitioner, as also imposing a punishment of 2 increments without cumulative effect on the other employees who were charge sheeted along with the petitioner, the orders of the higher authorities, i.e. respondents no.3, 2 and 1, are orders upholding the aforesaid punishments.

The challenge by the petitioner is primarily on the ground that whereas he has been imposed a punishment of stoppage of 5 increments

with cumulative effect, the other 3 delinquent officials have been awarded lesser punishments.

Having considered the matter, it is seen that the petitioner was posted as a Gunman/Security Officer to a 'star witness' in a criminal case, with the said witness having been shot dead on Court premises on the day that she was to depose. The petitioners' defence in the departmental proceedings conducted against him was that the witness herself had pressurised him to go and call some lawyers and that is why he had left her side to go and call the lawyers and in the meanwhile she had been attacked and shot dead.

Rejecting that contention, the punishing authority, i.e. the Superintendent of Police, has held that the petitioners' duty being protection of a witness, it was incumbent upon him to remain by her side and not go hither and thither.

As regards the other 3 delinquent officials, i.e. Head Constable Harbans Lal, UGC Mukhtiar Singh and Constable Raj Pal, they were deputed to protect the witness on the date that she was to testify and they having gone there on that particular date, their defence was that they were not told as to who the witness exactly was.

The Superintendent of Police did not agree with that defence also but they having been deputed on a particular date only, to protect the witness, and the defence of one of the delinquent officials also being that the police force was inadequate, they were imposed lesser punishments, of stoppage of 2 increments without permanent effect in the case of Head Constable Harbans Lal and 2 increments with permanent effect in the case

of UGC Mukhtiar Singh and Constable Raj Pal.

The Superintendent of Police having passed a very detailed order, dealing with the entire case of the department, as also of each of the 4 delinquents and having found different roles assigned to each of them, with the petitioner herein being the permanent bodyguard of the witness and he having left her side leading to her being shot dead, I see absolutely no reason to interfere with the impugned order.

Consequently, this petition is dismissed.

25.10.2017
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(AMOL RATTAN SINGH)
JUDGE

Whether speaking/reasoned
Whether Reportable

Yes/No
Yes/No