

IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH.

CWP No. 5919 of 2017
Date of decision: 4.7.2017

Tejbir Singh

... Petitioner

versus

State of Haryana and others

... Respondents

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

Present: Mohd.Salim, Advocate,
for the petitioner
...

AMOL RATTAN SINGH, J. (Oral)

Learned counsel for the petitioner submits that in the same incident, pursuant to which an enquiry was ordered to be conducted and reversion was made, one Inspector Bharat Singh was also found guilty. That person was eventually even promoted to the rank of Deputy Superintendent of Police, even though there were similar remarks in his ACR, of his integrity being doubtful.

Though the petitioners' grievance qua Bharat Singh may be genuine, however, in view of the fact that if the authorities concerned acted against the rules/norms in promoting a person who did not deserve such promotion, that would not entitle the petitioner to get a similar benefit, even in view of the judgments in Chandigarh Administration and another vs. Jagjit Singh and another, AIR 1995 SC 705 and Union of India and others vs. M.K.Sarkar, 2010 (2) SCC 59.

No doubt, had the petitioner come at the correct time against

the allegedly wrong promotion given to Bharat Singh, an explanation of the authorities concerned as to why Bharat Singh had been given such promotion contrary to the rules/norms, could have been called for, but 9 years later, that action now cannot be challenged, especially as the said person is stated to have retired from service also about 9 years ago.

Learned counsel also draws attention of the Court to the judgment passed in an earlier petition filed by the petitioner, bearing CWP No.23833 of 2012 decided on 26.9.2014 (Annexure P-12), in which enhancement of the punishment of stoppage of one increment without cumulative effect, to that of reversion from the post of Head Constable to Constable, was set aside by this Court in view of the fact that the action taken by the DGP to enhance the punishment of the petitioner was taken after 8 years.

However, by the said judgment, the remarks in the petitioners' ACR, reflecting his doubtful integrity, were never quashed/ordered to be expunged.

Keeping in view the aforesaid facts, as have also been detailed in the impugned orders of the Inspector General of Police, South Range, Rewari, dated 18.5.2015 and 30.9.2016, I find no merit in this petition, which is consequently dismissed in limine.

4.7.2017
pk

(AMOL RATTAN SINGH)
JUDGE

Whether speaking/reasoned
Whether Reportable

Yes/No
Yes/No