

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

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**RSA No.4819 of 2010 (O&M)
Date of Decision : 02.11.2017**

Tejpal

..... Appellant

Versus

State of Haryana and others

..... Respondents

CORAM : HON'BLE MR.JUSTICE AJAY TEWARI

Present : Mr. Virender Kumar, Advocate
for the appellant.

Mr. Anil Mehta, Deputy Advocate General, Haryana.

AJAY TEWARI, J. (Oral)

This appeal has been filed against the concurrent judgments of the Courts below dismissing the suit of the appellant wherein he had challenged the punishment of stoppage of two increments with cumulative effect.

The brief facts are that the appellant was incharge of Police Lines Jhajjar. On 15.10.2002 he received a message at 08.43 PM for sending the police force to Police Post, Dulina because a mob was trying to attack the same. The police force, however, reached only at 09.56 PM i.e. after 01 hour and 13 minutes. Regular inquiry was ordered wherein he was found guilty and the punishment was imposed upon him. His appeal and revision having been dismissed he filed the instant civil suit. Both the Courts below have held that the job of the Civil Court in the exercise of judicial review of departmental proceedings is not to act as Appellate

both have come to the conclusion that in this case the procedural safeguards were met. Some further arguments were raised before the lower Appellate Court about some alleged infirmities in the procedure but the lower Appellate Court rejected them because neither were those taken in the plaint nor was there any evidence led about the same.

Learned counsel for the appellant has again tried to argue on the merits of the case by stating that the appellant had infact acted with utmost dispatch but the police force could not reach in time due to traffic jam.

I am afraid I will not be able to consider this aspect. Since as mentioned above because I also endorse the view of the Courts below that factual issue of the guilt of the appellant had to be determined by the inquiry and the appellant had availed the remedies of appeal and revision.

In this view of the matter the appeal is dismissed.

Since the main case has been decided, the pending civil miscellaneous application, if any, also stands disposed of.

(**AJAY TEWARI**)
JUDGE

02.11.2017

Pooja sharma-I

Whether speaking/reasoned - Yes/No

Whether reportable - Yes/No