

HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

LPA No.1973 of 2014 (O&M)

Date of Decision: 27.04.2017

Satyapal

... Appellant

VS.

State of Haryana & Ors.

... Respondents

**CORAM: HON'BLE MR.JUSTICE SURYA KANT
HON'BLE MR.JUSTICE SUDIP AHLUWALIA**

Present: Mr. Aditya Yadav, Advocate for the appellant

Mr. Deepak Balyan, Addl. AG Haryana

SURYA KANT, J. (Oral)

(1) This Intra Court Appeal is directed against the order dated 04.09.2014 whereby learned Single Judge has dismissed the appellant's writ petition in which he laid challenge to the punitive action taken pursuant to the departmental enquiry. The orders which were under challenge before the Single Judge included the order dated 06.06.2013 of the Director General of Police, Haryana (P9) passed in exercise of his powers as a revisional authority whereby the punishment of stoppage of three future annual increments with permanent effect was reduced to that of stoppage of two future annual increments with permanent effect.

(2) The appellant was posted as SHO of Police Station City Narnaul where he is alleged to have been negligent in registration of FIR No.146 dated 26.05.2009 u/s 457/380 IPC PS City Narnaul. The FIR was registered only when the National Human Rights Commission intervened on a complaint made by one Parveen s/o Om Parkash. The departmental enquiry was held and the appellant was found guilty of the charges. The disciplinary authority imposed punishment of stoppage of three future

the departmental appeal was dismissed on 22.03.2012. Thereafter the appellant filed revision petition which was allowed in part as noticed above.

(3) These orders have been upheld by learned Single Judge who has viewed that since the enquiry was held in accordance with the prescribed procedure and no material irregularity could be pointed out hence the orders under challenge did not call for any interference by this Court in exercise of its powers of judicial review.

(4) We have heard learned counsel for the parties at a considerable length and gone through the record.

(5) It is well settled that this Court would not sit as an appellate forum on the finding of guilt returned in a domestic enquiry on appreciation of the evidence and material on record. It is only in a case where such enquiry is found to be totally perverse and contrary to the material on record that the interference may be justified. No such case has been made out in the instant case. Hence on merits, we do not find any ground to interfere with the departmental action.

(6) Faced with this, learned counsel submits that the appellant has already retired from service and punishment of stoppage of two future increments with cumulative effect is causing extreme hardship as his pension has been substantially reduced. He further submits that the said punishment would continue to affect the appellant's pension during his entire lifetime.

(7) Having pondered over the question of quantum of punishment, we find that though the revisional authority has taken a lenient view but keeping in view the fact that the appellant has since retired from service, it appears expedient to direct the revisional authority to reconsider the

quantum of punishment without going into the merits of the findings vide which the appellant has been held guilty of the charges. Suffice it to observe that if the revisional authority is persuaded to hold that the order of punishment will have its recurring effect on the appellant's pension throughout, the revisional authority may consider the desirability of further reducing the punishment especially keeping in view the fact that all the subordinates who were charge-sheeted along with the appellant have been fully exonerated.

(8) For the reasons afore-stated, the order of learned Single Judge is modified and the instant appeal is disposed of with a direction to the Revisional Authority to reconsider the quantum of punishment of the appellant in the light of the observations made hereinabove and pass an appropriate order on sympathetic re-consideration of the appellant's prayer. It shall be appreciated if the Revisional Authority decides the matter within four months from the date of receipt of certified copy of this order.

(9) Ordered accordingly.

(Surya Kant)
Judge

27.04.2017
vishal shonkar

(Sudip Ahluwalia)
Judge

1. Whether speaking/reasoned?
2. Whether reportable?

Yes
No