

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

LPA No.1671 of 2015 (O&M)

Date of Decision:21.02.2017

Raju

.....Petitioner

Vs.

State of Haryana and others

.....Respondents

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

Present:- Mr. Ramesh Kumar Goyat, Advocate for the appellant.

Mr. R.D. Sharma, DAG, Haryana.

SURYA KANT, J.(Oral)

The appellant assails the order dated 24.9.2015 vide which his writ petition, challenging the order of discharge from service passed under Rule 12.21 of the Punjab Police Rules, 1934 (for short, 'the Rules'), has been dismissed.

The appellant joined Haryana Police as a Constable on 16.8.2011. Within two years of service, he was involved in a criminal case registered under Section 366 IPC for alleged abduction of a married young lady. The FIR was later on cancelled as the alleged victim made a statement under Section 164 Cr.P.C before Metropolitan Magistrate, Delhi on 10.4.2013 that she had accompanied the appellant as per her own sweet will and no kind of force was used against her.

In this episode, the appellant also remained absent from duty from 1.4.2013 till 6.4.2013.

Rule 12.21 of the Rules deal with the work and conduct of a Constable within three years of enrollment. It empowers the Superintendent of Police to discharge a Constable from service who is unlikely to prove an efficient police officer within three years of enrollment.

Having regard to the conduct of the appellant, namely, eloping with a married woman and absence from duty for six days, the Competent Authority formed an opinion under Rule 12.21 of the Rules and discharged him from service. Learned Single Judge has also upheld the said order.

The appellant's contention that he has been discharged from service on account of specific misconduct but no inquiry was held, is wholly misconceived and misdirected. The opinion has been formed not with reference to a singular act of appellant's running away with a married woman (he himself is a married person) but also on account of his wilful absence from duty. Rule 12.21 is specifically meant to deal with the work or conduct of the Constables who are on probation. Since the discharge order is not stigmatic, we are satisfied that no interference with the order under appeal is called for.

Dismissed.

(SURYA KANT)
JUDGE

(SUDIP AHLUWALIA)
JUDGE

21.02.2017

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Whether Speaking/reasoned	Yes/No
Whether Reportable	Yes/No