

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

LPA No.1206 of 2017 (O&M)

Date of Decision : 23.10.2017

Ashwani Kumar

....Appellant

Versus

State of Haryana and others

...Respondents

**CORAM : HON'BLE MR.JUSTICE MAHESH GROVER
HON'BLE MR.JUSTICE RAJ SHEKHAR ATTRI**

**Present : Mr.Rahul Sharma-I, Advocate
for the appellant.**

MAHESH GROVER, J.(Oral)

CM-2511 & 2512-LPA-2017

Delay of 1 day in filing and 8 days in re-filing the appeal is
condoned.

CMs stand allowed.

CM-4041-LPA-2017

Allowed as prayed for.

LPA No.1206 of 2017 (O&M)

This appeal is against the judgment of the learned Single
Judge dated 18.04.2017.

The appellant was inducted in the Haryana Armed Police on
31.10.2008 and before he could complete a period of three years, an
incident of custodial death took place in which he along with others
were allegedly involved. On 12.08.2011, a punishment of stoppage of
two increments with permanent effect was inflicted upon him. This

order he challenged in the year 2014 and the appellate authority declined interference on the ground of delay which led to the filing of the writ petition which met the same fate.

Before us learned counsel for the appellant has tried to explain the delay to a threat that was held out to him to invoke Rule 12.21 of Punjab Police Rules, 1934 warranting discharge of a police officer if involved in a misconduct of serious nature within a period of three years of his engagement in service. It has been pleaded that he waited for this period to tide over before involving the Appellate Authority to impugn the order of punishment.

After hearing the learned counsel for the appellant, we are of the opinion that no indulgence can be granted to the appellant on this score. Such an explanation is sans foundation. The appellant was involved in a serious incident of custodial death and the disciplinary authorities have rather adopted a softer approach . In any eventuality, the delay being unexplained there is no justification warranting interference.

Dismissed.

(MAHESH GROVER)
JUDGE

23.10.2017
dss

(RAJ SHEKHAR ATTRI)
JUDGE

Whether speaking/reasoned	Yes/No
Whether reportable	Yes/No