

LPA no.80 of 2017 (O&M) 1

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

**LPA no.80 of 2017 (O&M)
Date of Decision : 06.07.2017**

Som Nath

....Appellant(s)

Versus

State of Punjab and others

...Respondent(s)

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

Present : Mr.Mohit Jaggi, Advocate for the appellant

MAHESH GROVER, J.(ORAL)

The appellant is in appeal against the judgment of the learned Single Judge dated 26.8.2016 upholding the order passed by the Inspector General of Police exercising his powers under 16.28 of the Punjab Police Rules which is extracted herebelow:-

“16.28. Powers to review proceedings (1) The Inspector General, a Deputy Inspector-General, and a Superintendent of Police may call for the records of awards made by their subordinates and confirm, enhance, modify or annul the same or make further investigation or direct such to be made before passing orders. (2) If an award of dismissal is annulled, the officer

annulling it shall state whether it is to be regarded as suspension followed by reinstatement, or not. The order should also state whether service previous to dismissal should count for pension or not (3) In all cases in which officers propose to enhance an award they shall before passing final orders give the defaulter concerned an opportunity of showing cause either personally or in writing why his punishment should not be enhanced.”

The conduct of the appellant was considered which has been elaborately noticed by the learned Single Judge to conclude that the appellant had remained unauthorisedly absent for approximately a period of 2127 days i.e almost 6 years out of the total service tenure of 16 years. The appellant belongs to the uniformed force and repeated defaults resulting in various punishments of forfeiture of 2 and 3 years of service have been inflicted upon him which indicates that he is an incorrigible employee given to the habitual default which cannot be condoned, particularly, in the matters of uniformed personnel. No illegality has been pointed out in the process and the only argument raised before us is that in the Rule 16.28 the Inspector General of Police could not have initiated suo moto action, particularly, when the Superintendent of Police had inflicted a punishment of forfeiture of 5 years of service. A perusal of Rule 16.28 shows that the Inspector General of Police or a Deputy General of Police or even a Superintendent of Police can call for the records of the awards made by their subordinate and can confirm, enhance, modify or annul the same. Evidently, the power vested in

conformity with the well defined parameters of the Rule.

No ground to interfere is made out. Hence, instant appeal is hereby dismissed.

(Mahesh Grover)
Judge

06.07.2017
rekha

(Raj Shekhar Attri)
Judge

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