

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

CWP 12168/2018

Date of decision:03.07.2018

Head Constable Balwinder Singh

.....Petitioner

v.

State of Punjab and others

.....Respondents

Coram: Hon'ble Mr.Justice Jaswant Singh

Present:- Mr.R.K.Arya,Advocate for the petitioner.

Jaswant Singh,J,(Oral).

Petitioner joined as a Constable, District Police, Tarn Taran, with Punjab Police on 2.5.1986. He is stated to have been promoted as Head Constable. The petitioner while posted at Police Station Sadar, Taran Taran on 23.4.2006 was deputed alongwith Harmesh Singh,SPO to produce accused Prem Singh accused in case FIR No.46 dated 16.4.2006 under Sections 452,325, 323, 148,149 IPC, PS Sadar Tarn Taran in the Court of learned JMIC, Tarn Taran. While transporting the accused to Central Jail,Amritsar in judicial remand, the said accused escaped from the custody of petitioner and said SPO. FIR No.115 dated 23.4.2006 under Sections 223/224 IPC was registered in PS Civil Lines,Amritsar against the petitioner and the SPO, while also initiating regular departmental enquiry. Departmental enquiry, after following principles of natural justice, stood concluded by recording the guilt of the petitioner leading to passing of punishment order dated 23.10.2006 (P-1) whereby five years of service of petitioner was ordered to be forfeited. Petitioner filed statutory appeal

which was rejected vide order dated 8.11.2008 (P-3) passed by DIG Border Range, Amritsar. Petitioner is stated to have filed a revision. Vide order dated 13.9.2013 (P-6) passed by Inspector General of Police, Amritsar the same was partly accepted and the punishment of forfeiture of five years' approved service was reduced to three years.

Even after conclusion of the revision the petitioner filed another appeal which is not maintainable leading to passing of order dated 22.8.2014 (P-7) dismissing the appeal. Yet again another appeal was filed which was dismissed vide order dated 4.3.2015 (P-8). The matter did not rest there and petitioner filed CWP 991/2017 which was got disposed of vide order dated 20.1.2017 with a direction to decide the legal notice/representation dated 14.7.2016 against the punishment orders. The said representation has been dismissed vide order dated 22.12.2017 (P-11).

Present petition has been filed seeking setting aside of the punishment order P-1, appellate orders P-3, P-6, P-7, P-8 and P-11.

Counsel for the petitioner heard at length.

First of all, this Court does not exercise appellate jurisdiction and from the material taken into consideration while passing the punishment order dated 23.10.2006 ultimately culminating into passing of revisional order does not suffer from any illegality or perversity so as to offer a ground for interference by this Court. Second the petition suffers from the vice of delay and laches as the cause of action accrued to the petitioner on passing of the statutory revisional order dated 13.9.2013 (P-6) and the subsequent orders do not have any statutory backing. In fact, this is a fit case where exemplary costs deserve to be imposed upon the petitioner for deliberately and perhaps by misrepresentation invoking jurisdiction of various

authorities and Court and thereby wasting the efforts and resources of the authorities.

In view of the above, the instant writ petition is dismissed with costs of Rs.20,000/- (Rupees twenty thousand only) to be deposited with District Legal Services Authority, Tarn Taran within a period of two months from today.

A copy of this order be forwarded to Secretary, District Legal Services Authority, Tarn Taran, who, in the event of petitioner not depositing said costs within stipulated time, shall take necessary action in accordance with law to recover the costs from the petitioner.

03.07.2018
joshi

(Jaswant Singh)
Judge

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