

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

**CWP No.21503 of 2014
Date of Decision: 28.09.2018**

Satnam Singh

.....Petitioner

Versus

State of Punjab & others

.....Respondents

CORAM: HON'BLE MR.JUSTICE JITENDRA CHAUHAN

Present:- Mr. Kanishk Lakhanpal, Advocate
for the petitioner.

Ms. Ambika Bedi, AAG, Punjab.

JITENDRA CHAUHAN J.

Through the instant civil writ petition filed under Article 226 of the Constitution of India, the petitioner seeks setting aside of order dated 02.03.2010 (Annexure P-2) passed by Senior Superintendent of Police, Hoshiarpur, vide which punishment of seizure of two years' service was inflicted upon the petitioner; order dated 24.06.2010 (Annexure P-3) passed by DIG, Jalandhar range vide which appeal filed by the petitioner was dismissed; order dated 04.01.2011 (Annexure P-4) passed by IG of Police Zone-2, Jalandhar, vide which revision petition filed by the petitioner was dismissed and order dated 07.02.2013 (Annexure P-6) passed by Additional Secretary, Government of Punjab, Department of Home Affairs and Justice Department, (Home-3 Branch) whereby the mercy petition filed by the petitioner has been rejected.

The petitioner is a guard in Home Affairs Department of Punjab. He was posted as Guard In-charge at Observation Home,

Rama Colony Camp (Juvenile Prison) Garhshankar and on the intervening night of 20/21.06.2009, a juvenile prisoner, namely, Naveen Kumar @ Mangal escaped from the juvenile home, the information of which was given to the Police Station telephonically. ASI Kamal Dev of Police Station Sadar, Hoshiarpur, reached on the spot and upon checking, the petitioner was found taking liquor with another inmate Kulwant Singh @ Kanti son of Satnam Singh resident of Rehrwan, Police Station Shahkot, District Jalandhar. After consuming liquor, the petitioner started beating the inmates, therefore, the petitioner had shown negligence and irresponsibility towards his duty. A show cause notice was served upon the petitioner and an enquiry was conducted by Deputy Superintendent of Police, Hoshiarpur in which the allegations levelled against him were found to be correct. Thereafter, another show cause notice was issued to the petitioner and after hearing him, punishment of seizure of two years' service was inflicted upon him vide order dated 02.03.2010 (Annexure P-2). Thereafter, the petitioner preferred an appeal before DIG range Jalandhar which was dismissed. The petitioner filed revision petition and mercy petition which also met with the same fate.

It is contended by the learned counsel for the petitioner that no such incident ever took place. The petitioner has been framed in the present case.

On the other hand, the stand of the respondents is that on receipt of information that one of the inmates of the juvenile home has

escaped, ASI Kamal Dev was deputed to visit the juvenile home. On reaching at the juvenile home, he found that the petitioner was drinking liquor with prisoner Kulwant Singh @ Kanti. Thereafter, the petitioner started beating the prisoners.

Heard.

It is to be noticed that the petitioner is a Guard in the Punjab Police and on the relevant date and time he was found to have indulged in taking liquor while on duty and being under the influence of liquor administered beatings to the inmates of the juvenile home. An enquiry was conducted by Deputy Superintendent of Police, Hoshiarpur and the allegations levelled against the petitioner were found to be correct. This Court feels that the petitioner indulged in such nefarious acts despite being a member of the disciplined force, he does not deserve any leniency from this Court, therefore, he has been rightly awarded punishment of seizure of two years' service which cannot be said to be disproportionate or excessive by any stretch of imagination.

Consequently, the present writ petition is hereby dismissed.

28.09.2018.
SN

(JITENDRA CHAUHAN)
JUDGE

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