

**IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH****Date of decision: 30.07.2018****CWP No.18536 of 2018**

Raj Kumar

...Petitioner

Vs.

State of Haryana & others

...Respondents

CORAM: HON'BLE MR. JUSTICE RAJIV NARAIN RAINA

Present: Mr. C.M.Munjal, Advocate, for the petitioner.

RAJIV NARAIN RAINA, J.

The petitioner, a policeman, faced a departmental inquiry on the grave charge of taking bribe for not taking action against two persons, namely, Aman and Anoj, who were accused of allegedly stealing a motor-cycle. The charge was levelled pursuant to the statements suffered during interrogation by Aman etc. accused in case FIR No.80/06 under Section 399/402 IPC and 25 of the Arms Act registered at P.S.Mujessar. The specific charge was that the petitioner while on duty had recovered a stolen motor-cycle lying parked unattended. Recovery of the motor cycle was made by the petitioner, but he let them (Aman & Anoj) off by taking bribe and without taking any legal action against them. In the inquiry, the charge was proven. The punishing authority awarded penalty of stoppage of 7 future annual increments with permanent effect vide order dated 27.10.2006. The appeal preferred by the petitioner failed on 15.03.2007. In the revision before the Director General of Police, Haryana, the punishment was reduced to

stoppage of two annual increments with permanent effect so as to give the delinquent a chance to reform himself. This was vide order dated 19.11.2007. Dissatisfied with the order, the petitioner moved a mercy petition, which was accepted vide order dated 25.04.2018 passed by the Additional Chief Secretary to Government of Haryana, Home Department and the penalty of stoppage of two annual increments was converted to that of 'warning'.

It is pertinent to notice that apart from the inquiry, adverse remarks were also recorded in his Annual Confidential Reports for the period from 25.10.2005 to 31.03.2006 and 01.04.2006 to 10.01.2007. However, such adverse remarks were expunged and the overall grading was upgraded as "Good" for the above mentioned period vide order dated 16.11.2016 passed by the Additional Chief Secretary to Government of Haryana.

Armed with the orders passed by the Additional Chief Secretary to Government of Haryana expunging the adverse remarks vide order dated 16.11.2016 and converting the penalty of stoppage of two annual increments to that of 'warning' vide order dated 25.04.2018, the petitioner made a request for granting him seniority and antedated promotion as Sub Inspector at par with his batch mates. However, the Commissioner of Police, Faridabad vide office order dated 08.06.2018 rejected the claim of the petitioner on the ground that the punishment was awarded on the charges of taking illegal gratification and that the petitioner had not been fully exonerated with the conversion of penalty to that of 'warning'. Against the impugned order dated 08.06.2018, the petitioner made a representation to the

Director General of Police, Haryana on 26.06.2018, which is stated to be pending.

Since the representation dated 26.06.2018 is pending and final outcome is not known, it would be inexpedient for this Court to issue any directions at this stage. The matter is liable to be considered by the appellate authority in accordance with law.

In these circumstances, the instant petition is disposed of with a direction to the Director General of Police, Haryana to take a final decision on the representation/appeal of the petitioner dated 26.06.2018 on the issue of seniority and antedated promotion by passing a speaking order thereon within a period of 8 weeks from the date of receiving of certified copy of this order.

30.07.2018
Vimal

[RAJIV NARAIN RAINA]
JUDGE

Whether speaking/reasoned:
Whether Reportable:

Yes/No
Yes/No