

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

CWP 18693/2018

Date of decision:31.07.2018

Parambir Singh

.....Petitioner

v.

Director General of Police(Law & Order)Punjab and another

.....Respondents

Coram: Hon'ble Mr.Justice Jaswant Singh

Present:- Mr.Prateek Sodhi,Advocate for the petitioner

Jaswant Singh,J,(Oral).

Petitioner,a dismissed Head Constable is seeking a writ of certiorari quashing the punishment order dated 3.8.2017 (P-3) whereby he was dismissed from service as also the appellate order dated 18.5.2018 (P-6) whereby his appeal was dismissed by the Appellate Authority.

Petitioner was working as a Head Constable in the Punjab Police and was posted in Police Station Civil Lines,Amritsar. He remained on medical leave from 28.2.2015 to 5.5.2015. However, he did not report for duty even after 5.5.2015. Upon an enquiry,it was found that FIR No.105 dated 1.5.2015 under Sections 420,419,485,473,171,167 IPC and Sections 27,54,59 of the Arms Act stood registered against petitioner and other accused persons at PS Shimlapuri,Ludhiana with the allegations that petitioner alongwith other two accused namely Tarsem Singh and Narinder Singh, in police uniform used to cheat mafia persons and general public by extracting huge money from them by threatening them. Further, they had put

a fictitious number plate on an Indica Car. On the basis of the said FIR, departmental enquiry was initiated against the petitioner. On conclusion of enquiry report, the Enquiry Officer found petitioner guilty of the charges attributed to him. The Commissioner of Police, Amritsar on receipt of enquiry report served a show cause notice on the petitioner to show cause as to why he be not dismissed from service. Petitioner submitted his reply and also availed opportunity of personal hearing. The punishing authority after perusing the reply submitted by the petitioner and hearing him passed impugned order P-3 dismissing him from service. The appeal preferred by the petitioner, after affording opportunity of personal hearing was also dismissed by the appellate by speaking order P-6. Hence the present petition.

It is submitted by the learned counsel for the petitioner that the departmental enquiry was not held in accordance with law and as such the punishment/appellate order based on enquiry report are liable to be quashed.

After hearing the learned counsel for the petitioner and perusing the paperbook I do not find any merit in this petition.

A perusal of the punishment order reveals that before imposing punishment of dismissal, the punishing authority satisfied itself that the enquiry was held in accordance with law. Further opportunity of personal hearing was also afforded to the petitioner. During hearing of his appeal the plea taken by the petitioner was that trial against him was still going on. The said plea was duly considered by the appellate authority which recorded its opinion as under:-

“Any decision regarding court case in the instant matter has not been brought to the notice of this office. We can not wait indefinitely, I have heard the appellant in person and have also

carefully perused the papers of this case. I have no reason to take any stance which is at variance with the stance taken by the Commissioner of Police,Amritsar. Therefore, this appeal is dismissed as devoid of merit.”

A perusal of the appellate order reveals that the plea now taken that the enquiry was not held in accordance with law is only an after thought and not worth consideration by this Court. During the course of hearing, nothing has been shown as to how principles of natural justice were violated so as to hold that the enquiry was not held in accordance with law.

Further,this Court finds that the procedure provided for imposition of punishment has been duly followed and the findings recorded are neither perverse nor irrational and the punishment imposed is neither disproportionate nor arbitrary. Therefore, in view of the parameters enumerated in disciplinary matters by Hon'ble the Supreme Court in **S.R. Tewari Vs. Union of India and Anr. (2013)6 Supreme Court Cases 602**, no case for interference is made out.

Dismissed.

31.07.2018
joshi

(Jaswant Singh)
Judge

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