

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

**Civil Writ Petition No. 25935 of 2018 (O&M)
Date of Decision: 08.10.2018**

Gurdev Singh

..... Petitioner

Versus

State of Punjab and others

..... Respondents

CORAM: HON'BLE MR. JUSTICE JASWANT SINGH

Present: Mr. Siddharth Sharma, Advocate
for the petitioner.

JASWANT SINGH, J. (ORAL)

Petitioner (Gurdev Singh) is serving as “Head Constable”.

The allegations against him are that he extracted a sum of Rs. 2,000/- with a demand for another Rs. 15,000/- from the complainant (Sukhwinder Singh) for allegedly trying to harass one lady at the bus stand. An FIR No. 220 dated 15.08.2009 was lodged against the petitioner and two other co-accused persons for offences under Sections 384/420 & 120-B of the Indian Penal Code. The departmental proceedings were also initiated against the petitioner. The Enquiry Officer vide report dated 18.02.2010 (**Annexure P-2**) found the petitioner only guilty of the charges. The Punishing Authority vide order dated 31.03.2010 (**Annexure P-3**) in view of the enquiry report imposed the major punishment of stoppage of one annual increment with permanent effect. The appeal filed by the petitioner was dismissed vide order dated 21.07.2010 (**Annexure P-4**) and the revision was also dismissed vide order dated 19.10.2010 (**Annexure P-5**).

The petitioner is stated to have been acquitted in the criminal trial vide judgment dated 07.09.2016 (**Annexure P-6**) passed by the Additional Chief Judicial Magistrate, Kapurthala.

In view of the aforesaid facts, the present petition has been filed, seeking the quashing of the Punishment Order dated 31.03.2010 (**P-3**).

Counsel for the petitioner heard at length.

Firstly, it is not denied that the complainant had appeared in the enquiry proceedings and made the statement in support of the allegations and the petitioner inspite of given an opportunity did not cross-examine him. Hence, he accepted the allegations made by the complainant on oath. This itself is sufficient to sustain the punishment order, which otherwise is too lenient a punishment. The subsequent acquittal, tested on touchstone of proof of beyond reasonable doubt, has no relevance to the findings recorded in the present enquiry proceedings. That apart, there is a delay of almost eight (08) years in challenging the punishment order as well as the appeal and revisioinal order.

In view of the above, no ground for invoking the writ jurisdiction is made out, the present petition is “**Dismissed**”.

It is **directed** that the petitioner shall pay a costs of Rs. 5,000/- (Five Thousand only) to be deposited in the Registry of this Court for Juvenile Justice Welfare Fund within two months from today, failing which the Director General of Police, Punjab, shall ensure the deduction of the same from the salary and divert the amount to the aforesaid account.

October 08, 2018

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**(JASWANT SINGH)
JUDGE**

<i>Whether Speaking/reasoned</i>	<i>Yes/No</i>
<i>Whether Reportable</i>	<i>Yes/No</i>