

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

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**RSA-164-2016 (O&M)
Date of decision:17.01.2018**

The State of Punjab and others

....Appellants.

Versus

SPO Kesar Singh

.... Respondent

CORAM: HON'BLE MR. JUSTICE P.B. BAJANTHRI

Present: Mr. Rana Harjasdeep Singh, Addl. A.G. Punjab.
for the appellants.

None for the respondent.

P.B. BAJANTHRI, J. (ORAL)

Heard.

Respondent's services were dispensed by passing order of discharge on 06.08.1994 which was the subject matter before the trial court. Trial court decreed the suit in favour of the respondent. Consequently, appeal has been filed by the appellant-department. Appellate court modified the trial court order as under:-

“13. In view of my aforementioned discussion, the appeal is partly allowed and the relief granted by the learned Trial Court is modified to the extent that the appellants/defendants will be at liberty to initiate disciplinary proceedings against the plaintiff as per Service Rules within a period of three months from the receipt of copy of judgment and decree and disciplinary authority shall decide and pass an order regarding benefits, privileges attached to the post of respondent/plaintiff which are accrued to likely to be accrued in future after the date of discharge. If no disciplinary proceedings are initiated against the

respondent/plaintiff within three months from the date of receipt of this judgment then the impugned order dated 06.08.1994 Ex. P7/Ex.D1 and the order passed by the DIG, Patiala Range, Patiala shall be treated as set aside for all purposes and the respondent/plaintiff shall be entitled to all benefits, privileges attached to the post, which are accrued to likely to be accrued. Parties are left to bear their own costs. Decree sheet be prepared. File be consigned to the record room.”

Perusal of order of discharge dated 06.08.1994 it is evident that Senior Superintendent of Police, Patiala has discharged 18 Special Police Officers while stating that he has received communication from the circle office to the extent their work was not satisfactory and consequently he has assigned the reasons that they are not likely to become good police officials. Each individual service record has not been taken into consideration for the purpose of deciding whether their work is satisfactory or not and further to what extent they are not likely to become good police officials. When the file was called for in respect of discharge order dated 06.08.1994, learned counsel for the appellant submitted that there were no file relating to order dated 06.08.1994 . In other words, without there being proposal and office notings by immediate superior official to Special Police Officer, for discharging each of the Special Police Officer straight away Senior Superintendent of Police, Patiala proceeded to discharge the respondent and 17 others from service. Therefore, there is no infirmity in the appellate authority's order. Hence no interference is called for.

Appeal stands dismissed.

(P.B.BAJANTHRI)
JUDGE

17.01.2018

pooja saini

Whether speaking/reasons:

Yes/No

Whether Reportable:

Yes/No