

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

**CWP No.13358 of 2019 (O&M)
Date of decision:04.07.2019**

Shri Ram

... Petitioner

Vs.

State of Haryana and others

... Respondents

CORAM: HON'BLE MR. JUSTICE AMIT RAWAL

Present:- Dr. Suresh Kumar Redhu, Advocate
for the petitioner.

AMIT RAWAL J. (Oral)

Petitioner has invoked extra ordinary jurisdiction of this Court under Article 226 of Constitution of India for issuance of a writ in nature of certiorari to quash the finding dated 05.03.2014 (Annexure P-1) and order dated 14.07.2014 (Annexure P-8) vide which punishment of stoppage of two annual increments with permanent effect was imposed without appreciating evidence on record.

It has been alleged that petitioner was recruited as Constable on 25.11.1987 in Haryana Police and promoted as officiating Head Constable on 13.07.2004 and thereafter, promoted to the rank of Exemptee Assistant Sub Inspector in 2009 and performed his duties. While being posted in Police Station Ballabgarh District Faridabad, departmental enquiry was ordered against the petitioner by Deputy Commissioner of Police on the allegations of registering false case without evidence and not returning

Rs.1130/- taken at the time of arrest of accused during personal search. The Enquiry Officer without properly appreciating the evidence on record held the petitioner guilty vide finding dated 05.03.2014 for sending country made pistol 3 months late in FSL Madhuban on 29.11.2012.

Learned counsel appearing on behalf of petitioner submitted that Punishing Authority, the then Deputy Commissioner of Police, Headquarter, Faridabad without recording disagreement note and agreeing with the finding recorded by the Enquiry Officer issued show cause notice dated 26.5.2014 which is not in consonance with the ratio decidendi culled out by the Hon'ble Supreme Court in **Punjab National Bank Vs. Kunj Behari Misra 1998(3) SCT 833**. Show cause notice was duly replied but in the meantime, Punishing Authority was transferred and new incumbent issued similar show cause notice (Annexure P-6) which was also replied (Annexure P-7) but without appreciating the evidence on record awarded a punishment of stoppage of two future increments with permanent effect, vide order dated 14.07.2014 (Annexure P-8). Remedy of statutory appeal was availed. Revision petition was also dismissed. A copy of ACR has been placed on record Chart of ACRs vide C.M.No.9382 of 2019 spanning from 18.6.2004 to 31.03.2018.

I have heard learned counsel for petitioner, appraised paper book and of view that there is no force and merit in submissions of Dr. Redu.

From the perusal of enquiry, it is revealed that petitioner has been held guilty of registering false case and not returning Rs.1130/- taken at the time of arrest of accused. It is the gravest mis-conducted by the police official, who is protector of State and should not indulge in harassment of public. The responsibility given to police official and wearing of uniform is more enormous than normal citizen, cannot be mis-used in the manner and mode as referred to above.

In my view, both authorities, i.e., punishing authority and appellate authority have applied their mind in imposing punishment as per the prevailing law and keeping in view the finding of enquiry officer. The ratio decidendi culled out by the Hon'ble Supreme Court in aforementioned case would not be applicable to present case. The writ petition is devoid of merit and same is hereby dismissed.

(AMIT RAWAL)
JUDGE

July 04, 2019
savita

Whether Speaking/Reasoned	Yes/No
Whether Reportable	Yes/No