

**Sr. No.116
IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH**

CWP No.15064 of 2019 (O&M)

Date of Decision: 29.05.2019

Sudhir Kumar

... Petitioner

Versus

Union of India and others

... Respondents

CORAM:- HON'BLE MR. JUSTICE ARUN MONGA

Present:- Mr. Shashi Kant Gupta, Advocate,
for the petitioner.

ARUN MONGA, J.(ORAL)

Inter alia contends that vide impugned order dated 12.10.2018 (Annexure P-4), representation of the petitioner to appeal against punishment order was rejected summarily. The petitioner was awarded punishment of being confined to 30 days of Line custody along with Pack drill of two hours daily. In the Pack drill, the petitioner was burdened with 52 kgs weight which is contrary to the CRPF Act and Rules as the petitioner could not have been burdened with more than 38.6 kgs of weight.

2. Learned counsel for the petitioner submits that the delinquency attributed to the petitioner was duly explained by him in his representation and yet the same was disregarded without assigning any reason and the punishment was awarded to him even without supplying him copy of the punishment order. He further submits that the petitioner was neither granted any opportunity of personal hearing nor even otherwise his request to meet the superiors was accepted.

3. Learned counsel contends that even the repeated requests of the petitioner to supply the copy of the punishment order have also not been acceded to.

4. In the circumstances, the petitioner filed an appeal (Annexure P-3) without having access to the punishment order and the said appeal was rejected vide order dated 12.10.2018 (Annexure P-4) impugned herein.

5. Learned counsel for the petitioner submits that the appeal has been rejected by way of cryptic and non-speaking order as the only reason assigned therein is that there is no provision for appeal in CRPF Force Rules, 1955 qua the punishment awarded to the petitioner.

6. The petitioner also submitted applications Annexures P-5 and P-6, seeking permission to meet the higher authorities but the same were also not adverted to.

7. In the premise, the petitioner caused a legal notice dated 15.01.2019 (Annexure P-7) but even that has not been responded to.

8. Notice of motion.

9. At this stage, Mr. Rajeev Kawatra, Advocate appears and accepts notice on behalf of respondents No.1 to 3.

10. In view of the nature of order which I propose to pass, it would serve no purpose to invite pleadings as no further proceedings are warranted in the case.

11. Writ petition is disposed of with directions to the respondents to provide a copy of the punishment order to the

petitioner and to consider the contents of the legal notice dated 15.01.2019 as also by treating the present writ petition as supplementary representation and pass a speaking order.

12. Let the needful be done within a period of 3 months from the date of receipt of a certified copy of this order.

13. Writ petition is disposed of in above terms.

29.05.2019
vandana

(ARUN MONGA)
JUDGE

Whether speaking/reasoned	Yes/No
Whether Reportable	Yes/No