

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

**CWP No.26943 of 2015.
Date of Decision: 06.05.2019**

Manohar Lal

.....Petitioner

Versus

State of Punjab and others

.....Respondents

CORAM: HON'BLE MR.JUSTICE JITENDRA CHAUHAN

Present:- Mr. R.S. Pandher, Advocate,
for the petitioner.

Ms. Kanica Sachdeva, AAG Punjab.

JITENDRA CHAUHAN J.

By way of present civil writ petition, the petitioner seeks quashing of order dated 06.08.2013 (Annexure P-1) passed by the Commissioner of Police, Ludhiana vide which one year service of the petitioner was forfeited for the purpose of increment. The petitioner also seeks setting aside of order dated 21.03.2014 (Annexure P-2), order dated 19.08.2014 (Annexure P-3) and order dated 22.07.2015 (Annexure P-4) vide which his appeal, revision and mercy petition respectively were dismissed.

It is contended that the petitioner is working as Inspector in Punjab Police. The Police Commissionerate Ludhiana got approval to recruit 382 male constable as per order dated 23.12.2011 issued by the Director General of Police, Punjab. On 06.11.2011 the petitioner was deputed in the recruitment cell for checking the files submitted for

recruitment. For checking purpose, teams were constituted and guidelines regarding checking were issued to the petitioner. The form of one candidate Nishanpal Singh son of Gurdev Singh resident of village Fattu Billa, Kathu Nangal, District Amritsar was checked by Sub Inspector Pargat Singh and Constable Jaspreet Sharma and again checked by In-charge of the Re-checking team which consisted of the petitioner and Constable Bhupinder Singh. In the column of 'Educational qualifications' the candidate had filled appearing in 6th Semester of Mechanical Engineering. He had attached copies of educational certificates of 10th, 10+2 and 2nd Semester of Diploma but the educational qualification of the candidate was written by the checking team as equivalent to B.A. Part-2 and on the basis of same, the said candidate Nishanpal Singh was awarded 12 marks for educational qualification with total 29.50 marks and he was declared successful. The petitioner being In-charge of rechecking team was found to be careless. Thereafter, vide order dated 06.08.2013 (Annexure P-1) the petitioner was awarded punishment of forfeiture of one year service for the purpose of increment.

It is contended that the departmental proceedings were initiated against Sub Inspector Pargat Singh and Constable Jaspreet Sharma whereas, the said officials have been found innocent and departmental proceedings against them had been dropped vide orders dated 11.06.2013 (Annexure P-7) and 21.08.2013 (Annexure P-8) whereas, the petitioner who is similarly situated has been inflicted the

aforesaid punishment. Therefore, the action of the respondents has resulted into discrimination against the petitioner.

On the other hand, on behalf of the respondents, it is contended that one year service of the petitioner was rightly forfeited by the then Commissioner of Police, Ludhiana vide order dated 06.08.2013 after the completion of the departmental inquiry because the petitioner who was In-charge of rechecking team No.1 posted in recruitment cell Police Line Ludhiana had not checked recruitment file minutely and remained careless towards his duty.

Heard.

It is to be noticed that at the relevant time, the petitioner was as In-charge of the re-checking team posted in recruitment Cell Police Line Ludhiana. He did not check the file of Nishanpal Singh carefully. The petitioner was the leader of the team being Inspector and was expected to be extremely vigilant as the exercise pertains to the recruitment process whereas, Sub Inspector Pargat Singh and Constable Jaspreet Sharma were junior to the petitioner. Therefore, the case of the petitioner is distinguishable.

No ground for interference is made out.

Dismissed.

06.05.2019.
SN

(JITENDRA CHAUHAN)
JUDGE

Whether speaking/reasoned : Yes/No
Whether reportable : Yes/No