

CWP-21069-2018 (O&M)

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

**CWP-21069-2018 (O&M)
Date of decision : 14.10.2019**

Baldev Singh and another

... Petitioners

Versus

State of Haryana and others

... Respondents

CORAM: HON'BLE MR. JUSTICE AMIT RAWAL

Present: Mr. R.K. Malik, Senior Advocate with
Mr. Sandeep Dhull, Advocate
for the petitioners.

Mr. Hitesh Pandit, Addl. A.G., Haryana.

AMIT RAWAL, J. (ORAL)

Petitioners, two in number, have approached this Court for issuance of a writ in the nature of certiorari quashing order dated 17.12.2016 (Annexure P-1) passed by the Superintendent of Police, Ambala, whereby, their services, by invoking the provisions of Article 311(2)(b) of the Constitution of India, have been dispensed with, without holding regular enquiry. Further writ of certiorari quashing the orders dated 02.11.2017 (Annexures P-3 and P-4) as well as order dated 27/30.07.2018 (Annexure P-6).

The facts, in brief, are that the services of petitioners, who have rendered services of more than 28 years, were dispensed with w.e.f. 17.12.2016 owing to involvement in FIR No.297 dated 14.12.2016 under Sections 420/406/384/182/120B of Indian Penal Code. They preferred statutory appeals, as per the provisions of Rule 16.29 of the Punjab Police Rules, as applicable to State of Haryana, but vide order dated 02.11.2017, have been dismissed. Having availed the remedy of revision, petitioners

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have approached this Court.

Mr. R.K. Malik, learned Senior Counsel assisted by Mr. Sandeep Dhull, learned counsel appearing on behalf of the petitioners submits that the authorities have not looked into various points with regard to dispensing with regular enquiry, by invoking the provisions of Article 311(2) of the Constitution of India as well as other important grounds taken in the writ petition. The orders dated 02.11.2017 and 27/30.07.2018 are mostly sketchy and unreasonable, much less, without cogent reasons.

Learned counsel for the respondents/State supported the impugned orders by submitting that co-accused of petitioners confessed the crime, which was one of the basis for dispensing with regular enquiry, even some articles of crime were recovered from the petitioners. Proceedings under Section 182 of the Indian Penal Code were also initiated.

Without commenting upon the merits and demerits of the case, I am of the view that quasi judicial authorities, having the power to deal with the statutory appeal or revision, are required to look into not only averments, but also the arguments while assigning the reasons.

It would be in the fitness of things to extract the relevant portion of order dated 27/30.07.2018 (Annexure P-6), which reads as under:-

"3. The revisionists appeared before the undersigned for personal hearing and pleaded for mercy. I have carefully examined the revision petition, orders passed by the Punishing/Appellate Authorities and the other relevant records. The allegations levelled against the revisions have been fully proved. As such, the revisionists have shown gravest

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misconduct and indiscipline by hatching a conspiracy with the intention of cheating and misusing of their official power of the Police Department. Hence, there is no merit in the revision petitions submitted by Ex.EASI Baldev Singh No.597/AMB and Ex-EASI Rakbir Singh No.330/AMB is rejected being devoid of merit."

On going through the aforementioned order, the same is bereft of reasoning, thus, the matter is required to be re-visited at the level of Director General of Police, Haryana. Accordingly, the impugned orders, are set aside and the matter is remitted to respondent No.2/Director General of Police, Haryana, to decide the revision afresh in a most pragmatic and reasonable manner, by taking into consideration all points of determination/arguments, purported to be addressed as well as law point including Annexures P-7 and P-8, after affording the opportunity of hearing to petitioners.

Learned counsel for the parties as well as the parties are directed to appear before respondent No.2/Director General of Police, Haryana on 15.11.2019.

Let this exercise be done within a period of two months from the date of receipt of certified copy of this order.

With the aforesaid observations, the present writ petition is disposed of.

14.10.2019
Yogesh Sharma

(AMIT RAWAL)
JUDGE

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