

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CWP No.23940 of 2019

Date of Decision: September 02, 2019

ASI Badri Prasad

...Petitioner

Versus

State of Haryana & others

...Respondents

CORAM: HON'BLE MR.JUSTICE AMIT RAWAL

Present: Mr. Aditya Yadav, Advocate,
for the petitioner.

AMIT RAWAL, J. (Oral)

The grievance of the petitioner in the present petition is straight and simple. On 06.08.1984 petitioner was enrolled as Constable in Haryana Police and thereafter promoted as Head Constable on 25.11.1999 and then Assistant Sub Inspector on 19.10.2007. While posted as ASI at Police Station Sadar Dadri in Bhiwani, petitioner was served with a charge sheet on the allegation that being the Investigating Officer in FIR No.85 dated 07.03.2012, under Sections 498-A, 304-B, 34 IPC, Police Station Sadar Dadri, Satish son of Bhagat Singh committed suicide in police lock-up and FIR No.92 of 2012 under Sections 302/342/34 IPC was registered. On the same allegations, departmental proceedings were also initiated. The Enquiry Officer, vide report dated 23.01.2013 (Annexure P-1), exonerated the petitioner. However, the Superintendent of Police on 22.02.2013 recorded a disagreement note and imposed a punishment dated 29.03.2013 (Annexure P-5) of stoppage of two future annual increments with temporary

effect. Petitioner preferred an appeal before the Inspector General of Police, which, vide order dated 26.09.2013 (Annexure P-6), was also dismissed . The remedy as per the provisions of Punjab Police Rules as applicable to the State of Haryana was availed vide Annexure P-7. The Director General of Police vide impugned order dated 01.09.2014 (Annexure P-8) despite having brought to the notice that the cancellation report on 03.12.2013 was accepted by the Sub Divisional Judicial Magistrate, Dadri, dismissed the revision petition.

Mr. Aditya Yadav, learned counsel representing the petitioner submitted that the revisional authority failed to notice the factum of cancellation report and, therefore, the order is fully erroneous and fallacious.

Notice of motion.

Ms. Shruti Jain Goyal, learned Deputy Advocate General, Haryana accepts notice on behalf of the State and submits that the appellate authority would not have the notice as the petitioner rendered his job much prior to the cancellation. However, revisional authority was not brought to notice.

Without expressing any opinion on the merits of the case, I set-aside the impugned order dated 01.09.2014 (Annexure P-8) and remand the matter to the competent authority, i.e., Director General of Police with a direction to decide the revision petition afresh after taking into consideration the cancellation report as the only ground for recording the disagreement with the report of the Enquiry Officer was registration of FIR No.92 dated 13.03.2012, which, according to Mr. Yadav was changed to FIR No.46 dated 16.03.2012, after affording opportunity to the petitioner.

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

Writ petition stands disposed of.

September 02, 2019
ramesh

(AMIT RAWAL)
JUDGE

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