

CWP No.24172 of 2019

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

CWP No.24172 of 2019

Date of decision:18.09.2019

ASI Badri Prasad

... Petitioner

Vs.

State of Haryana and others

... Respondents

CORAM: HON'BLE MR. JUSTICE AMIT RAWAL

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

AMIT RAWAL J. (Oral)

Learned counsel appearing on behalf of the petitioner submits that this Court, vide order dated 02.09.2019 passed in CWP No.23940 of 2019 titled as 'ASI Badri Prasad Vs. State of Haryana and others' set aside the order dated 01.09.2014 of Director General of Police dismissing the revision petition preferred against order of Inspector General of Police upholding punishment of stoppage of two annual increments with temporary effect on the premise that petitioner was involved in an FIR No.92 dated 13.03.2012 which was changed to FIR No.46 dated 16.03.2012 for some custodial death wherein cancellation report submitted on 03.12.2013 was accepted by the Sub Divisional Judicial Magistrate.

In the present case, prayer is for quashing of adverse remarks dated 16.09.2013 (Annexure P-5) in the Annual Confidential Report for the period from 07.11.2011 to 31.03.201 despite having been represented and availed the remedy as per the provisions of Punjab Police Rules as applicable to State of Haryana on account of punishment of stoppage of two annual

increments as enquiry officer has exonerated the petitioner qua charges.

Notice of motion.

On asking of Court, Mr. R.K.Doon, AAG, Haryana, who is present in Court, accepts notice on behalf of the respondents/State.

Since this Court had already remitted the matter to the Director General of Police for consideration of revision petition afresh by taking into consideration the cancellation report, I am of the view that present case is required to be re-visited by Director General of Police for consideration of expunging of adverse remarks in Annual Confidential Report referred to above.

Accordingly, the order dated 02.02.2015 (Annexure P-9) is set aside; revision petition is restored to its original number and the matter is remitted to the Director General of Police with a direction to decide the revision petition afresh in terms of observations made in order dated 02.09.2019 passed in CWP No.23940 of 2019 and as well as any other submission petitioner intends to make after affording the opportunity of hearing to the petitioner by passing a speaking and reasonable order within a period of two months from the date of receipt of certified copy of this order. Writ petition stands disposed of.

(AMIT RAWAL)
JUDGE

September 18, 2019
savita

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