

IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

Civil Writ Petition No. 25124 of 2019(O&M)
Date of Decision : 09.09.2019

Meharban Singh & Anr.

... Petitioners

versus

State of Punjab & Ors.

... Respondents

CORAM:-HON'BLE MR. JUSTICE ARUN MONGA

Present: Mr. Kirpal S. Thakur, Advocate
for the petitioners.

ARUN MONGA, J(ORAL)

1. *Inter alia*, issuance of a writ in the nature of *certiorari* has been sought by the petitioner to quash order dated 06.09.2018(Annexure P-10) passed by respondent No.1 whereby the appeal of the petitioners against the orders dated 16.02.2016(Annexure P-9) and 23.04.2015(Annexure P-7) passed by respondents No.2 and 3 respectively, has been dismissed.

2. I have heard learned counsel for the petitioners and have perused the contents of the writ petition along with annexures appended thereto, particularly, order dated 06.09.2018(Annexure P-10), I am in agreement with the reasoning contained therein and am of the opinion that no grounds, therefore, are made out to interfere in exercise of extra writ jurisdiction vested under Article 226 of the Constitution of India.

3. The petitioners have already been given enough latitude by giving them a lenient punishment by the Director General of Police. The Additional Chief Secretary(Home) has rightly dismissed their appeal. The nature of charges levelled against the petitioners, while on duty, are serious in nature, inasmuch as, being police officials, they were assigned the task of taking the accused from District Jail, Sangrur to hospital in Patiala, but instead they took the accused to his residence at Dhuri. The accused thereafter absconded from their custody, resulting

in registration of a case against the petitioners as well as accused. Consequential departmental proceedings held the petitioners delinquent of the charges levelled against them which resulted in punishment order dated 23.04.2013 passed by the Senior Superintendent of Police, Sangrur, whereby their service of 5 years each was confiscated on permanent basis. The appeal filed against the punishment order was dismissed by the Inspector General of Police. But the Director General of Police vide his order dated 16.02.2016 reduced the punishment of confiscation of service from 5 years to 3 years each.

4. Given the nature of serious charges proved against the petitioners, I am of the view that ordinarily they should have been meted out with more strict punishment, particularly, in view of the fact that they are serving in disciplined police force. Be that as it may, they have already been given lenient treatment by the Director General of Police for the reasons stated by him in his order dated 16.02.2016 and I do not propose to go into the same. Accordingly, I uphold the said order, as has been done by the Additional Chief Secretary(Home) vide order dated 06.09.2018(Annexure P-10), impugned herein.

5. The writ petition is dismissed.

09.09.2019

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(ARUN MONGA)
JUDGE

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| 1. | Whether speaking/ reasoned: | Yes/ No |
| 2. | Whether reportable: | Yes/ No |