

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

LPA No.1917 of 2017(O&M)
DATE OF DECISION:17.01.2019

State of Haryana & others

...Appellants

Vs.

Ishe Khan

...Respondent

**CORAM:- HON'BLE MR.JUSTICE MAHESH GROVER
HON'BLE MR.JUSTICE LALIT BATRA**

Present: Ms. Kirti Singh, DAG, Haryana.

Mr. Sunil K. Nehra, Advocate
for the respondent.

MAHESH GROVER, J. (Oral)

This appeal filed by the State is directed against the judgment dated 16.03.2017 of learned Single Judge. Respondent No.1 (hereafter known as a employee) was discharged from service on account of his alleged involvement in a criminal case. The learned Single Judge negated the order of discharge and held that it did not disclose the reason for the discharge and if the veil was to be lifted, it would reveal his discharge merely on the allegation that he was involved in the FIR dated 17.08.2013 without even examining his role or his service record. The State is in appeal to question the order of learned Single Judge. On the previous date of hearing, we passed the following order:-

“We have heard the learned counsel for the

parties.

The respondent has been discharged from service in terms of Rule 12.21 of the Punjab Police Rules as he has facing an FIR No.413 dated 17.08.2013, under Sections 363, 366-A, 376, 406, 342, 506, 354 and 120-B IPC, registered at Police Station Samalkha, District Panipat.

The respondent has clarified this aspect while raising a contention that it was his acquaintance who eloped with a minor to get married that the respondent had no role in this. The FIR was registered at the behest of parents of the minor and name of the respondent was introduced because of his acquaintance with the person responsible for the elopement.

Since the respondent has not been directly involved in violation of a minor, we are of the opinion that resorting to Rule 12.21 of the Punjab Police Rules could be justified only if there was some substance before the competent authority.

Learned State counsel is directed to look into the records and apprise the Court as to whether there was some other material that could prompt a conclusion of the respondent being an officer not fit to be retained in service.

List on 17.01.2019 for further proceedings.”

Learned counsel for the appellants has been unable to dispel our doubts as noticed above. Merely because an acquaintance eloped with the minor girl and name of the the respondent crept as a facilitator would be no ground to discharge him from service as there is nothing to hold him responsible for the offence. His direct complicity therein is not established. That apart the appellants have failed to point out any adverse material

LPA No.1917 of 2017 :3:

against the respondent. If that being so then we are of the opinion that the order of discharge has been rightly set aside by the learned single Judge.

Dismissed.

(MAHESH GROVER)
JUDGE

17.01.2019
rimpal

(LALIT BATRA)
JUDGE

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