

**C.M. NOS.14120-C OF 2017 & 4756-C OF 2018 &
R.S.A. NO.5266 OF 2017**

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

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**C.M. NOS.14120-C OF 2017 & 4756-C OF 2019 &
R.S.A. NO.5266 OF 2017**

DATE OF DECISION: MAY 08, 2019

Sant Lal

.....Appellant

VERSUS

State of Haryana and others

....Respondents

CORAM:- HON'BLE MR.JUSTICE AUGUSTINE GEORGE MASIH

Present: Mr. Ashok Arora, Advocate,
for the appellant.

AUGUSTINE GEORGE MASIH, J. (ORAL)

C.M. No.14120-C of 2017

Application is allowed as prayed for subject to all just exceptions.

Exemption is granted from filing the typed copies of the impugned judgments and decrees passed by the Courts below

C.M. No.4756-C of 2018

Application is allowed as prayed for subject to all just exceptions.

Documents, Annexures P-1 and P-2, which are part of trial Court record as Ex.P13 and Ex.P14 are taken on record. Exemption is also granted from filing certified copies of the said documents.

R.S.A. No.5266 of 2017

Challenge in this appeal is to the judgment and decree passed by the Civil Judge Junior Division, Hisar, dated 05.04.2016 whereby the

suit filed by the appellant-plaintiff, challenging his adverse annual confidential report for the period 01.04.2010 to 13.09.2010 as also the punishment imposed upon him for stoppage of one increment with cumulative effect has been dismissed, appeal against which preferred by the appellant-plaintiff has also been dismissed by the learned Additional District Judge, Hisar, vide judgment dated 17.04.2017.

It is the contention of learned counsel for the appellant that FIR No.19, dated 14.01.2010, under Sections 324, 325, 34 IPC, Police Station Adampur, was registered against the appellant. In the said FIR, he was arrested on 28.01.2010. The trial took place, in which the appellant-plaintiff was ultimately acquitted by the Judicial Magistrate Ist Class, Hisar, vide judgment dated 01.04.2014. In the meanwhile, during the pendency of the said trial, departmental enquiry was initiated against the appellant and on the basis of the said departmental enquiry, penalty of stoppage of one increment with cumulative effect was imposed upon him vide order dated 16.08.2010 by the Superintendent of Police, Hisar, appeal against which preferred by the appellant was rejected on 02.09.2014 and the revision petition also resulted in rejection on 21.12.2015.

He contends that the annual confidential report as well as stoppage of one increment with cumulative effect is outcome of the FIR which has been registered against the appellant-plaintiff and since he has been acquitted by the trial Court vide judgment dated 01.04.2014, the basis which led to imposition of punishment of penalty and recording of annual confidential report cannot sustain and, therefore, the appellant-plaintiff was entitled to the benefit as claimed in the civil suit. He, thus, contends that the judgments and decree as passed by the Courts below cannot sustain and

deserve to be set-aside.

I have considered the submissions made by learned counsel for the appellant and with his assistance have gone through the records of the case.

Perusal of the annual confidential report for the period 01.04.2010 to 13.09.2010, which was received by the appellant-plaintiff on 10.06.2011 would not indicate that the said confidential report was recorded against him because of registration of the criminal case. Rather, the columns which have been adversely recorded against him in the annual confidential report read as under:-

“Discipline	Poor
Integrity	Poor
Reliability	Poor
Moral Character	Poor Absent
General remarks	Average”

The said adverse comments, which have been recorded in the annual confidential report cannot in any manner be relatable to the FIR, which has been registered against him.

That apart, it is a settled proposition of law that alongwith criminal case, departmental proceedings can also go on. It is true that the appellant-plaintiff was acquitted in the criminal case, which was registered against him.

However, when seen from the point of view of the charge sheet, which has been framed against the appellant-plaintiff, it is apparent that his conduct was under doubt and for that the image of the department having been tarnished, the departmental enquiry was initiated against him, whereof on the basis of evidence led by the parties, he has been found to be guilty.

The Enquiry Officer, after holding him guilty of the charge, had submitted his report to the Superintendent of Police, Hisar, who had issued a show cause notice to the appellant-plaintiff with a proposed punishment of stoppage of five increments with cumulative effect. However, on a representation submitted by the appellant-plaintiff, a lenient view was taken by Superintendent of Police, Hisar, and he imposed penalty of stoppage of one annual increment with cumulative effect vide order dated 19.08.2010, appeal against which was dismissed on merits on 02.09.2014 with the same fate with regard to the revision, which was dismissed by the Director General of Police, Haryana, vide order dated 21.02.2015. There is neither any illegality nor any violation of the statutory rules in the conduct of enquiry against the appellant-plaintiff, which would persuade the Court to interfere in the concurrent findings, which have been recorded by the Courts below.

It may further be added here that the annual confidential report, which is the subject matter of the suit as well as the punishment which has been imposed upon the appellant-plaintiff pertained to year 2010 whereas the suit had been filed in the year 2015, which is much beyond the period of limitation prescribed. However, even if that aspect is ignored, this Court does not find any merit in the matter and, therefore, the appeal deserves to be dismissed.

Ordered accordingly.

May 08, 2019
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(AUGUSTINE GEORGE MASIH)
JUDGE

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