

CWP-948-2020 (O&M)

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IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

103+252

CWP-948-2020 (O&M)

Date of decision : 5th March, 2020

SANDEEP

.....Petitioner

Versus

STATE OF HARYANA AND OTHERS

...Respondents

CORAM: HON'BLE MR. JUSTICE GIRISH AGNIHOTRI

Present: Mr. G.S. Gopera, Advocate
for the petitioner.

Ms. Palika Monga, DAG, Haryana.

GIRISH AGNIHOTRI , J (ORAL)

The present petition has been filed by the petitioner-Sandeep inter alia, praying for a writ of certiorari for quashing the impugned order dated 20.09.2019 (Annexure P4), whereby the petitioner has been discharged from his services under Rule 12 and Rule 18(4) of the Punjab Police Rules (amended Rules, 2015), as applicable to the State of Haryana.

In the order it has been broadly noticed that vide memo dated 01.03.2019 the petitioner was selected and was allotted regimental number 4/938 of 4th Battalion. It has also been observed that the petitioner has been intentionally suppressed/concealed the material facts regarding registration of criminal case bearing FIR No. 85 dated 29.03.2018 under Section 323, 452, 506, 325 and 34 IPC registered at PS-Nangal Chaudhary, District

Mahendergarh, in his verification-cum-attestation form filed by him on 03.03.2019 for verification of character and antecedents. It has been ordered the the petitioner is weeded out/discharged from his services under Rule 12 and Rule 18(4) of the Punjab Police Rules (amended Rules, 2015), as applicable to the State of Haryana.

The positive case of the petitioner is that there were two FIRs, however, in the verification form he had specifically mentioned FIR No.545 dated 27.12.2012 under Section 294/510 IPC at P.S. City Narnaul, District Mahendergarh. It is also the positive case of the petitioner that in the second FIR No. 85 dated 29.03.2018 under Section 323, 452, 506, 325 and 34 IPC at P.S. Nangal Chaudhary, District Mahendergarh, no intimation or any summon was issued to him prior to 03.03.2019 the date he filled up the verification form for verification of character antecedents. This averment is made in para-15 of the writ petition which is as under;

“ That respondent No.4 also did not appreciate the fact that the petitioner had stated about his involvement in FIR No. 545 dated 27.12.2012 and also furnished copy of the judgment of acquittal in the said FIR. However, the petitioner was not aware about his involvement in subsequent FIR No. 85 dated 29.03.2018, as the said FIR was registered against other family members of the petitioner and they were arrested subsequently. The concerned police never approached the petitioner informing him about his involvement in the FIR. This fact shows that there was no occasion for the petitioner to know about his involvement in the said FIR. ”

Notice of motion in this case was issued on 15.01.2020. On behalf of all the respondents reply has been filed by Rajendar Kumar Meena, IPS, Commandant, 4th Battalion. HAP, Madhuban. The same is taken on

record. On perusal of the same it reveals that in para-15 of the reply on merits nothing specifically has been mentioned as to when as per the police records the petitioner was ever intimated or could be said to have had the knowledge of registration of the FIR dated 29.03.2018.

Learned counsel for the petitioner at this stage submits that in this FIR he has been declared innocent vide Haryana Police General Verification Services Character Certificate dated 24.12.2019 (Annexure P6).

This Court in view of the peculiar facts as noticed above deems it appropriate to dispose of the writ petition with the following directions;

(i) that the competent authority is directed to consider the case of the petitioner for re-instatement. Let this exercise be completed within a period of two months from the date of receipt of the certified copy of the order.

(ii) that the competent authority is directed to afford an opportunity of hearing to the petitioner and in case he is found eligible in accordance with law, issue a formal orders of appointment to the petitioner *de hors* the earlier order dated 20.09.2019 (Annexure P4).

The writ petition is disposed of accordingly.

05.03.2020
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(GIRISH AGNIHOTRI)
JUDGE

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No