

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

CWP-12767-2020 (O&M)
Date of Decision:-26.8.2020

Gurpartap Singh ... Petitioner

Versus

State of Punjab and others ... Respondents

CORAM: HON'BLE MR. JUSTICE GURVINDER SINGH GILL

Present:- Mr. Jaspal Singh Pannu, Advocate for the petitioner.

Ms. Kanica Sachdeva, AAG, Punjab.

(proceedings conducted through video conferencing)

GURVINDER SINGH GILL, J.

1. The petitioner, who was serving as a Constable in Punjab Police, assails order dated 17.6.2019 (Annexure P-2) passed by the Senior Superintendent of Police, Patiala (respondent No. 2) whereby the services of the petitioner have been terminated. The order dated 11.10.2019 (Annexure P-3) passed by the Inspector General of Police, Patiala and order dated 17.6.2020 (Annexure P-4) passed by the Director General of Police, Punjab, dismissing appeals against order dated 17.6.2019 (Annexure P-2) are also being challenged herein.
2. While the petitioner was posted in police lines, Patiala, FIR No. 47 dated 25.5.2018 under Section 22 of NDPS Act, Police Station Lahori Gate, Patiala was lodged against the petitioner having been caught red-handed being in collusion with drug-traffickers. Departmental proceedings were initiated against the petitioner and a show cause notice dated 28.2.2019 was

served. Pursuant to an Inquiry Officer, having been appointed, an enquiry report was received wherein charges framed against the accused were found to have been established and consequently, impugned order dated 17.6.2019 (Annexure P-2) dismissing petitioner from his service came to be passed.

3. The learned counsel for the petitioner, while assailing the impugned orders dated 17.6.2019 (Annexure P-2) and also the orders dated 11.10.2019 (Annexure P-3) and 17.6.2020 (Annexure P-4) passed in appeal has submitted that the appellate authorities i.e. the Inspector General of Police, Patiala and Director General of Police, Punjab have not applied their minds and have simply dismissed the appeals while reproducing grounds of appeal. It has further been submitted that the petitioner, in any case, has been falsely implicated in the FIR in question wherein he is likely to be acquitted and as such, the impugned orders are liable to be set aside.
4. I have considered the aforesaid submissions and have also examined impugned order dated 17.6.2019 (Annexure P-2), a perusal of which would show that on 25.5.2018, S.I. Rupinder Singh received secret information to the effect that Charanveer Singh, an undertrial in Central Jail, Patiala in connivance with one Harbhajan Singh and Constable Gurpartap Singh (petitioner) indulged in supplying intoxicant tablets into Central Jail, Patiala and that on the said day, Constable Gurpartap Singh and Harbhajan Singh were coming in Swift Dezire car and were bringing intoxicant tablets to be given to Charanveer Singh in "*bakshi khana*" in Court Complex, Patiala where he had come for court proceedings. Pursuant to receipt of said information, aforesaid Constable Gurpartap Singh and Harbhajan Singh were apprehended and while 50 intoxicant tablets were recovered from

Gurpartap Singh, another 140 tablets were recovered from Harbhajan Singh. An enquiry was conducted and as per report of the Inquiry Officer, charges were found to have been duly proved. The Senior Superintendent of Police (respondent No. 2), agreeing with the said report issued show cause notice to the petitioner, which was received by the petitioner personally, who sent his reply to the said notice. The petitioner was also afforded personal hearing but nothing substantial could be brought about to demolish the findings of the Inquiry Officer. Consequently, the Senior Superintendent of Police (respondent No. 2) passed the impugned order dated 17.6.2019 (Annexure P-2) dismissing the petitioner from service.

5. Upon an appeal having been filed by the petitioner, the same was considered by the Inspector General of Police, Patiala (respondent no. 3) who vide his detailed order dated 11.10.2019 (Annexure P-3) dismissed the appeal. A perusal of order dated 11.10.2019 (Annexure P-3) shows that all the material facts have been duly noticed and it cannot be said to be a non-speaking order. Thereafter, the petitioner preferred an appeal before the Director General of Police, Punjab (respondent No.4) which has also been dismissed vide order dated 17.6.2020 (Annexure P-4).
6. A perusal of the impugned orders shows that the same have been passed having regard to the settled principles of natural justice. The charges framed against the accused pertaining to his involvement in drug-trafficking have been duly established and the petitioner could not show anything to prove his innocence. The petitioner himself being a member of disciplined force, whose prime duty is to maintain law and order has committed gravest of the misconduct by himself indulging into drug-trafficking. In these

circumstances, the charges having been proved, this Court does not find any infirmity in the order of dismissal dated 17.6.2019 (Annexure P-2) passed by Senior Superintendent of Police (respondent No. 2) and as affirmed by the Inspector General of Police, Patiala (respondent no. 3) vide order dated 11.10.2019 (Annexure P-3) and by the Director General of Police, Punjab (respondent No.4) vide order dated 17.6.2020 (Annexure P-4).

7. The petition is sans merits and is hereby dismissed.

26.8.2020

kamal

(Gurvinder Singh Gill)
Judge

Whether speaking /reasoned

Yes / No

Whether Reportable

Yes / No