

IN THE HIGH COURT OF PUNJAB AND HARYANA

AT CHANDIGARH

CWP No.15900 of 2020
Date of Decision: 30.09.2020

EASI Ravinder Singh & another

...Petitioner (s)

Versus

State of Haryana & others

...Respondent(s)

CORAM:- HON'BLE MR. JUSTICE HARI PAL VERMA

Present:- Mr. Sunil K. Nehra, Advocate
for the petitioners.

HARI PAL VERMA, J. (Oral)

The matter has been taken up for hearing through video conferencing due to outbreak of COVID-19.

Petitioners have filed this writ petition under Articles 226/227 of the Constitution of India seeking quashing of impugned order dated 14.09.2020 (Annexure P-3) passed by Director General of Police, Haryana, whereby they have been repatriated to their parent unit.

Briefly stated, the petitioners, who are working on the rank of EASI with the police department, were sent on deputation vide order dated 25.12.2018 (Annexure P-1) and were placed at the disposal of the Excise and Taxation Department, Haryana for a period of three years on usual terms and conditions, however, they have been repatriated to their parent unit vide order dated 14.09.2020 (Annexure P-3) passed by Director

General of Police, Haryana i.e. within three years of their deputation period.

Learned counsel for the petitioners has argued that the deputation of the petitioners was for a period of three years on laid down terms and conditions and their tenure was to expire on 24.12.2021, however, they have been repatriated to their parent unit vide order dated 14.09.2020 (Annexure P-3) passed by Director General of Police, Haryana. He has argued that their repatriation before the expiry of three years is totally uncalled for and arbitrary, because as many as 151 officials including the petitioners were sent on deputation vide order dated 25.12.2018, but it is only the petitioners who have been repatriated to their parent unit. He has placed reliance on a judgment of this Court in the case of **Sadhu Ram Gupta Vs. State of Punjab 2001(1) SCT 11** and a judgment of Apex Court in the case of **Ashok Kumar Ratilal Patel Vs. Union of India and another 2012(7) SCC 757** in support of his contentions.

I have heard learned counsel for the petitioners and perused the record attached with this petition.

Summary of the charges dated 04.09.2020 (Annexure P-2) depicts that it is on the basis of source report received from the Superintendent of Police, Hisar, secret investigation was carried out by Shri Ashok Kumar, HPS, Deputy Superintendent of Police, Hisar, who after associating the witnesses recorded their statements and in the preliminary inquiry, it was found that the petitioners were silent/sleeping stakeholders in the liquor contracts and they were selling liquor through liquor vends

(*Khurdo*). Therefore, the petitioners have been chargesheeted for gross negligence and indiscipline in their duties, tarnishing the image of police department.

As far as the judgments relied upon by learned counsel for the petitioners are concerned, the same are not attracted to the facts and circumstances of the present case, more particularly when in the inquiry conducted by Deputy Superintendent of Police, Hisar, it has been found that the petitioners are silent/sleeping stakeholders in the liquor contracts and are selling liquor through liquor vends (*Khurdo*). The petitioners are merely deputationists and have no vested right to remain in the borrowing department, particularly when their work and conduct has not been found satisfactory and they have been chargesheeted for gross negligence and indiscipline in their duties. In such circumstances, the petitioners are liable to be repatriated to their parent department at any time and they cannot claim to continue in their borrowing department, as a matter of right. The argument that opportunity was not granted to the petitioners to be heard and they have been straightway recalled to the parent department, is devoid of any merit, especially when in the preliminary inquiry, it has been found that they had shown gross negligence and indiscipline in their duties.

Therefore, I find no merit in the present writ petition and the same is hereby dismissed.

September 30, 2020
AK

(HARI PAL VERMA)
JUDGE

Whether speaking / reasoned?

Yes / No

Whether reportable?

Yes / No