

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

114/A

**CWP No.8706 of 2013 (O&M)
Decided on : 10.11.2020**

Sub Inspector Subhash Chander and another

... Petitioners

Versus

State of Haryana and others

... Respondents

CORAM : HON'BLE MR.JUSTICE G.S. SANDHAWALIA

Present: Mr. Aditya Yadav, Advocate for the petitioners.

Mr. RKS Brar, Addl. AG, Haryana.

(The proceedings are being conducted through
video conferencing, as per instructions.)

G.S. Sandhawalia, J. (Oral)

In the present writ petition filed under Articles 226/227 of the Constitution of India, the petitioners seek quashing of the order dated 28.05.2012 (Annexure P-10), whereby they have been awarded stoppage of four annual increments with permanent effect, by the Director General of Police, Haryana, while modifying the order dated 22.09.2011 passed by the Inspector General of Police, Hisar Range, wherein punishment of dismissal from service was inflicted upon them.

In connected petition bearing **CWP No.10828 of 2020** '**Santosh Devi Vs. State of Haryana and others**' following order was passed on 29.07.2020:-

“Petitioner, who is widow of EASI Rajbir No. 48/BWN, has approached this Court with a grievance that initially after passing of the consolidated order against the husband of the petitioner and a co-delinquent employee Mahabir Singh, Head Constable No. 685/BWN by the Inspector General of Police, Hissar Range dated 22.09.2011,

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appeal was filed which was partly allowed by the Director General of Police, Haryana on 04.01.2012. CWP No. 21238 of 2018 was filed for quashing of the order dated 04.01.2012, vide which punishment of dismissal was reduced to stoppage of four annual increments with cumulative effect by the Director General of Police. This Court, vide order dated 24.08.2018 (Annexure P-5/A) in the above writ petition, proceeded to quash the said order and disposed of the writ petition by giving directions to the Director General of Police to pass a final order on the revision petition, which was preferred by the husband of the petitioner as well as that of Mahabir Singh, within a period of two months from the date of receipt of certified copy of the order.

Unfortunately, the husband of the petitioner Rajbir died during the pendency of the revision petition. The revision petition of Mahabir Singh was rejected by the Additional Chief Secretary to Government of Haryana, Home Department vide order dated 02.07.2019 (Annexure P-6). The said order was challenged by Mahabir Singh in CWP No. 24875 of 2019, which was set aside by this Court vide order dated 09.09.2019 (Annexure P-7) calling upon the Additional Chief Secretary to Government of Haryana, Home Department to consider the revision petition afresh in accordance with law. In pursuance to the said order, the revision petition, on re-consideration, was accepted vide order dated 26.11.2019 (Annexure P-8) and the punishment of stoppage of four annual increments with permanent effect was set aside with the warning to be careful in future.

Counsel for the petitioner contends that the husband of the petitioner was similarly placed and his revision petition is still pending consideration with the Government of Haryana and it appears that because of the unfortunate death of the husband of the petitioner Rajbir, the said revision

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petition, till date, has not been decided rather has resulted in the petitioner not getting the benefit which she would have entitled to had the revision petition of the husband of the petitioner been decided along with that of Head Constable Mahabir Singh, who was similarly placed and a codelinquent. Counsel for the petitioner further contends that the said revision petition may be treated as a representation on behalf of the petitioner and a decision be taken by the competent authority in the light of the above referred to facts and circumstances.

Learned counsel for the State to seek instructions with reference to the above assertions of the counsel for the petitioner which are duly supported by the orders passed by this Court as well as the orders passed by the competent authority. In case the claim of the husband of the petitioner is similar to that of Mahabir Singh, appropriate decision treating the revision petition as a representation of the petitioner be taken and orders be passed within a period of six weeks. Decision so taken be conveyed to the petitioner and this Court prior to the next date of hearing.

List on 30.09.2020.”

Today, in pursuance of the said order, the said writ petition has been disposed off, while noting the facts as under:-

“Counsel for the State has placed on record photocopy of the order dated 28.09.2020 passed by the Additional Chief Secretary to Government of Haryana, Home Department, wherein the penalty of stoppage of four annual increments with permanent effect has been set aside, in view of the decision taken in the case of his co-delinquent HC Mahabir Singh. Resultantly, counsel submits that in view of the said development, the present writ petition has been rendered infructuous.”

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In such circumstances, once the petitioners herein are similarly situated, it will be open to them to file a representation before the respondent No.1 within four weeks from today. The said respondent shall take a decision on the said representations, keeping in view the observations made in the case of **Santosh Devi (supra)**, as it is apparent that the petitioners are similarly situated with other officials, who have been granted the necessary relief i.e. HC Mahabir Singh. The said decision making be completed within a period of three months from the receipt of the said representations.

The writ petition stands disposed off with the above said terms.

NOVEMBER 10, 2020
Naveen

(G.S. SANDHAWALIA)
JUDGE

Whether speaking/reasoned:

Yes/No

Whether Reportable:

Yes/No