

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CWP-28536-2017

Date of decision: 13.03.2020

Sahib Singh

.....Petitioner

versus

State of Haryana and others

....Respondents

CORAM: Hon'ble Mr. Justice Girish Agnihotri

Present: Mr. Ravinder Malik, Advocate
for the petitioner.

Ms. Palika Monga, DAG, Haryana.

GIRISH AGNIHOTRI, J. (Oral)

1. Petitioner-Sahib Singh has filed the present petition *inter alia* with a prayer to direct the respondents to reinstate the petitioner in service. Vide order dated 30.12.2005 (Annexure P-1), the then Competent Authority i.e. Commandant, Ist Battalion, HAP, Ambala City, District Ambala, has discharged the petitioner from service under Rule 12.21 of Punjab Police Rules, 1934. It was noticed in the order that the petitioner had allegedly produced bogus driving license at the time of recruitment. The petitioner was appointed on 11.03.2003.

2. Learned counsel for the petitioner submits that an FIR No.93 dated 23.03.2006, under Sections 420, 471 & 474 of IPC, was registered against the petitioner at Police Station Parao, District Ambala. The allegations *inter alia* in the FIR were that he allegedly forged driving license with fraudulent intention to get recruitment as a Driver. Learned counsel submits that vide

judgment dated 09.09.2014 (Annexure P-4), the Judicial Magistrate Ist Class, Ambala, has ordered that the prosecution has miserably failed to prove its case against the petitioner beyond reasonable doubt. The petitioner was accordingly acquitted from the charges framed against him. Learned counsel further submits that after the said judgment, the petitioner submitted representation dated 02.12.2015 (Annexure P-5), followed by another representation dated 04.07.2016 (Annexure P-6). He also got served a legal notice dated 08.02.2017 (Annexure P-7), but, no decision was taken on the said representation/legal notice.

3. Notice of motion in this case was issued on 15.12.2017, which reads as under:-

Counsel inter alia submits that the petitioner was discharged from service under Rule 12.21 of Punjab Police Rules, 1934 vide order dated 30.12.2005 (Annexure P-1). The reason for discharge was that he had been employed as a Driver and a positive report regarding the verification of the driving license had not come. His appeal had been dismissed on the ground of being not maintainable. The criminal court eventually decided in his favour on 09.09.2014 (Annexure P-4). It is submitted that in such circumstances the petitioner is liable to be reinstated.

Notice of motion for 22.02.2018.

4. Written statement dated 10.07.2018 on behalf of respondents No.1 to 4 has been filed by Shri Ashok Kumar, IPS, Commandant Ist Battalion, Haryana Armed Police, Ambala City. In the written statement, reliance has been placed upon Annexure R-1, which is stated to be verification report regarding driving license.

5. This Court, in view of the above peculiar facts and circumstances noticed above, deems it appropriate to direct the Competent Authority i.e. respondent No.4, to examine the issue afresh, especially keeping in view the

judgment dated 09.09.2014, whereby, the petitioner has been acquitted. It is directed that claim of the petitioner for reinstatement in view of the judgment noticed above, be re-considered *de hors* earlier order dated 30.12.2005 and the Competent Authority may pass a speaking order within a period of three months from the date of receipt of certified copy of this order. In case, the petitioner is found entitled for the relief, consequential orders be passed within one month from the date of decision so taken by the Competent Authority.

6. Writ petition is disposed of accordingly.

(GIRISH AGNIHOTRI)
JUDGE

13.03.2020
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Whether speaking/ reasoned:	Yes/No
Whether Reportable:	Yes/No