

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

CWP-3337-2022 (O&M)
Date of decision: 22.02.2022

Balbir Singh

....Petitioner

Versus

State of Punjab and others

..Respondents

CORAM: HON'BLE MR. JUSTICE ANIL KSHETARPAL

Present: Mr. Saransh Sabharwal, Advocate for the petitioner

ANIL KSHETARPAL, J (Oral)

The hearing of the case is being held through video conferencing on account of restricted functioning of the Courts.

The petitioner prays for issuance of a writ in the nature of Certiorari to quash the orders dated 29.08.2007, 01.08.2008, 30.12.2008, 01.02.2016 and 14.02.2019. In substance, it is alleged that the petitioner, after forging the signatures of his superior officer on the application for sanction of the leave, availed the leave for a period of three days each, on more than one occasion. In the departmental inquiry, the petitioner admitted that he had forged the signatures of his superiors. The inquiry officer submitted the report against the petitioner. Thereafter, the petitioner was issued a show cause notice and a copy of the inquiry report was supplied. However, the petitioner did not chose to respond. After joining of new Senior Superintendent of Police, again a show cause notice was issued to the petitioner. In response thereto, the petitioner appeared before the disciplinary authority and clearly admitted his mistake. Hence, the disciplinary authority, after noticing the service record of the petitioner, ordered his dismissal. The Senior

Superintendent of Police has noticed that the petitioner has been found guilty and has been punished on as many as 8 different occasions. The summary of the previous orders against the petitioner is extracted as under:-

Sr.No	Charges/allegations	Punishment
1.	Regarding beating and altercation in public during the year 1995	The service period of two years has been forfeited in the year 1998
2.	Absent for the period of 129 days, 17 hours	The service period of three years has been forfeited in the year 2000
3.	Absent from 28.09.1999 to 19.11.1999 total 51 days 14 hours 25 minutes	The service period of two years has been forfeited in the year 2001
4.	Absent from 15.12.1999 to 13.01.2000 total 38 days and 22 hours	He was dismissed from the service of police department in the year 2002 and reinstated in service on filing appeal by him and his approved service of two years has been forfeited on account of increments.
5.	Absent from 18.08.2001 to 05.09.2001 total 28 days, 20 hours 30 minutes	The service period of one year has been forfeited in the year 2005.
6.	Absent from 04.09.2001 to 08.11.2001 total 63 days, 1 hour 50 minutes	The service period of three years has been forfeited in the year 2005
7.	Absent from 04.12.2002 to 04.03.2002 total 39 days	The service period of two years has been forfeited in the year 2005.
8.	Absent from 18.02.2002 to 04.03.2002 15 days	The punishment has been given in the year 2005

The petitioner has unsuccessfully challenged the order of the disciplinary authority in an appeal, revision and a mercy petition before the Director General of Police as well as another mercy petition before the Additional Chief Secretary.

Learned counsel representing the petitioner contends that an FIR was registered against the petitioner on account of the aforesaid

instance in which he has been acquitted by the criminal court. Hence, he contends that the petitioner is entitled to reinstatement.

This Court has heard learned counsel representing the petitioner at length and with his able assistance perused the paper book. The standard of proof required for proving charge in a disciplinary inquiry and criminal case are different. In a criminal case, the prosecution is required to prove the guilt of the accused beyond the shadow of reasonable doubt; whereas in a disciplinary inquiry, the inquiry officer and the punishing authority is entitled to draw an inference and conclude the inquiry on the basis of preponderance of probabilities. Furthermore, the petitioner has admitted forgery of signatures of his superiors not only before the inquiry officer but also before the disciplinary authority i.e the Senior Superintendent of Police.

The scope of judicial review, while exercising writ jurisdiction, is limited. In the facts of the case, this Court does not find it appropriate to interfere in exercise of powers of judicial review.

Hence, dismissed.

All the pending miscellaneous applications, if any, are also disposed of.

22.02.2022

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Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No

(ANIL KSHETARPAL)
JUDGE