

201.

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

CWP-7974-2020

Date of Decision: 09.09.2022

AJMER SINGH

.... Petitioner

Versus

STATE OF HARYANA AND ORS

.... Respondents

CORAM: HON'BLE MS. JUSTICE JAISHREE THAKUR

Present:- Mr. Ramesh Hooda, Advocate,
for the petitioner.

Ms. Kirti Singh, DAG, Haryana.

JAISHREE THAKUR.J (Oral)

The petitioner herein seeks to challenge order dated 12.05.2020, Annexure P-2, whereby he has been dismissed from service without conducting any inquiry or issuing any show cause notice to him.

The brief facts, as pleaded, are that the petitioner was appointed as a Constable in the Haryana Police in the year 2012. He was working under respondent No.3 and deputed as a Gunman with one Deepak. On 24.04.2020, an FIR No.251, under Section 188 IPC and Section 61-1-14 of the Excise Act, was registered against him and others, at Police Station Samlakha, District Panipat, with the allegation that they were carrying liquor in a car and on noticing the police, they ran away. He was arrested in that case and later released on bail. Thereafter, another FIR No.260, dated 28.04.2020, was registered under Sections 457, 380, 120-B, 406 IPC, regarding theft of liquor.

He was dismissed from service vide impugned order dated 12.05.2020 passed by Deputy Inspector General of Police-cum-Superintendent of Police, Jhajjar, invoking Rule 16.2(1) of the Punjab Police Rules.

Learned counsel appearing on behalf of the petitioner would contend that before passing the impugned order, he was not given any opportunity of hearing. It is argued that only under exceptional circumstances, a government servant can be dismissed from service without holding a regular inquiry and that too after cogent reasons are given for dispensing with such inquiry.

On the other hand, learned State counsel would submit that the act and conduct of the petitioner was incorrigible. He was not only involved in the above referred criminal cases but also very negligent and careless in performing his duties. There are many red entries in his service book. He was rightly awarded the punishment of dismissal from service by invoking the provisions of Rule 16.2 of the Punjab Police Rules vide the impugned order. Regular inquiry by issuing show cause notice could not be conducted as the petitioner was in jail at that time. Moreover, the present petition is not maintainable as the petitioner has efficacious remedy of appeal against the dismissal order.

I have heard learned counsel for the petitioner as well as learned State counsel.

This Court agrees with the submissions made by learned State counsel. The petitioner has straightaway approached this Court without exhausting his remedy of appeal. Accordingly, the present petition is disposed with an observation that the petitioner would prefer appeal against

the impugned order before the appropriate authority within a period of two weeks from today and the same shall be decided within a period of six weeks thereafter in accordance with law. An opportunity of personal hearing shall also be afforded to the petitioner before deciding the appeal.

(JAISHREE THAKUR)
JUDGE

09.09.2022

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