

**CM-17821-CWP-2017 in/and  
CWP-7451-2001**

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

**\*\*\*\***

**CM-17821-CWP-2017 in/and  
CWP-7451-2001  
Date of Decision: 06.07.2022**

Jai Singh (deceased) Th. LR.

..... Petitioner

Versus

State of Haryana and others

..... Respondents

**CORAM: HON'BLE MR. JUSTICE HARSIMRAN SINGH SETHI**

Present: Mr. Maharaj Kumar, Advocate,  
for the applicant/petitioner.

Mr. Narender Singh Behgal, AAG, Haryana.

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**HARSIMRAN SINGH SETHI J. (ORAL)**

**CM-17821-CWP-2017:**

The present application has been filed for fixing an actual date of hearing in CWP-7451-2001.

In view of the averments made in the present application, the same is allowed and CWP-7451-2001 is taken up on Board for consideration today itself.

**CWP-7451-2001:**

In the present petition, challenge is to the order dated 30.05.1999 (Annexure P-7), having endorsement dated 12.04.1999, passed by respondent No.2, wherein the petitioner was awarded the punishment of reduction in rank, which order was upheld by respondent No.1, vide order dated 17.02.2000 (Annexure P-9).

As per the facts mentioned in the present petition, the deceased-petitioner, namely Jai Singh, who was working as a Fire Station Officer with the Municipal Council, was charge-sheeted on 12.10.1999 under Rule 7 for various allegations, regarding the explosion which occurred at the premises of M/s Krishna Fireworks, Rohtak on 24.05.1995, wherein 25 people died. With regard to the said incident, an enquiry was conducted and the petitioner was found guilty of the allegations levelled against him and respondent No.2, after agreeing with the enquiry report, passed an order on 30.03.1999, reverting the petitioner from the post of Fire Station Officer to Sub Fire Officer. Aggrieved with the said decision, the petitioner filed an appeal against the order dated 30.03.1999, passed by respondent No.2 and the said appeal also got rejected on 17.02.2000 (Annexure P-9). The said order is under challenge in the present petition.

Learned counsel for the petitioner argues that the petitioner has been made a escape goat with regard to the incident, which occurred on 24.05.1995, wherein 25 people died. Learned counsel for the petitioner submits that the deceased-petitioner rather saved the lives of the people in the said incident, but ultimately, he was the one, who was punished and that too without any valid justification.

Learned counsel for the petitioner further submits that during pendency of the present petition, the petitioner has already died and now the present petition is being pursued by his legal representatives.

Learned State counsel submits that due enquiry was held into the said allegations, which were levelled against the petitioner, by giving due opportunity to the petitioner to defend himself and only thereafter, respondent No.2 passed an order on 30.03.1999, holding the petitioner

guilty, which order has already been upheld by the Appellate authority. Learned State counsel further submits that even in the present petition, nothing has been pointed out as to why the aforesaid order dated 30.03.1999, passed by respondent No.2, is bad in the eyes of law.

I have heard learned counsels for the parties and have gone through the record with their able assistance.

The challenge in the present petition is to the imposition of punishment of reduction in rank upon the deceased-petitioner by respondent No.2, vide order dated 30.03.1999, and upholding of the said order by the Appellate authority. The jurisdiction of this court to interfere with the punishment granted by the authorities concerned is limited. It is only in the case, where any procedure is violated during the departmental proceedings or when due opportunity is not granted to the employee concerned to defend himself/herself, while imposing certain punishment upon him/her by the Department that this Court can interfere.

In the present case, nothing has been pointed out as to how the imposition of the punishment upon the deceased-petitioner by respondent No.2 is bad in the eyes of law, especially when the charge-sheet was duly served upon the petitioner by the respondents and only after giving due opportunity of defending himself to the petitioner, the order was passed by respondent No.2, wherein the charges were proved against the petitioner. That being so and keeping in view the fact that the petitioner was working as a Fire Station Officer with the respondent-Department and had not taken proper care in respect of storage of fire-works, which led to the death of 25 people, interference of this Court into the punishment awarded to the deceased-petitioner by respondent No.2, vide order dated 30.03.1999, is not

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called for.

Dismissed.

**06.07.2022**  
*Apurva*

**(HARSIMRAN SINGH SETHI)**  
**JUDGE**

- 1. Whether speaking/reasoned : Yes/No
- 2. Whether reportable : Yes/No