

CRM-M-35757-2022

Date of decision: 27.09.2022

Sachin Dogar

.....Petitioner

versus

State of Haryana and others

.....Respondents

CORAM: HON'BLE MR. JUSTICE NAMIT KUMAR**Present:** None for the petitioner.

Mr. Neeraj Poswal, AAG, Haryana.

NAMIT KUMAR, J. (ORAL)

The instant petition has been filed under Section 482 Cr.P.C. for issuance of directions to respondents No.1 to 4 to decide the representation dated 21.08.2020 (Annexure P-1) and to stop harassing and humiliating the petitioner and to take legal action against respondent No.5.

On 16.08.2022, the following order was passed by the Coordinate Bench of this Court:-

“Vide this petition, the petitioner seeks the issuance of directions to respondents no.1 to 4 to decide the representation dated 21.08.2020 already filed by him. He further seeks that he be not harassed and humiliated and that legal action taken against respondent no.5.

Though learned counsel for the petitioner submits that the petition may be disposed of with a direction to the SP, Kurukshetra, to decide the his representation, however it is seen that the representation, Annexure P-1, is actually addressed to SSP, State Vigilance Bureau, Himachal Pradesh, Shimla.

Learned counsel submits that the said representation has been forwarded by the by the State Vigilance Bureau, Himachal Pradesh to the SP, Kurukshetra, and in fact a departmental

enquiry is ongoing against respondent no.5 who is posted at Police Station Shahabad, District Kurukshetra.

Notice of motion.

Mr. Saurabh Girdhar, learned AAG, Haryana, accepts notice at the asking of the court.

A gazetted officer is directed to file a reply to the petition.

Adjourned to 27.09.2022.”

The learned State counsel has filed reply dated 22.09.2022 by way of an affidavit of Sh. Randhir Singh, DSP, Shahabad, Kurukshetra, on behalf of respondents No.1 to 5-State which is taken on record and it has been stated in paras 4 to 8 as under:-

“4. That the said complaint was transferred by Senior Superintendent of police state Vigilance Bureau Shimla, Himachal Pardesh to Director General of Police, Haryana Panchkula and the same was transferred by the office of Deputy Commissioner of police Panchkula Haryana to Superintendent of Police Nuh on 16.11.2021 for Departmental action against ASI Karnail Singh i.e. respondent No.5.

5. That the Superintendent of Police Nuh at Mewat appointed Deputy Superintendent of Police Tawru to conduct an inquiry and submit report. It is further submitted that during the pending of departmental inquiry the respondent No. 5 was transferred from Nuh to District Kurukshetra and the said departmental inquiry was also transferred to Superintendent of police Kurukshetra.

6. That further departmental inquiry was handed over to DSP, Pehowa who conducted the remaining departmental inquiry as per Departmental rules and Punjab & Haryana Police rules and after completion of his inquiry he has reached at the conclusion that during the course of inquiry the present petitioner did not appear before the inquiry officer and the allegations leveled by the present petitioner against the respondent No. 5 were not proved and requested to file the departmental inquiry before the then superintendent of police Kurukshetra for further order.

7. That the then Superintendent of police Kurukshetra disagree with the finding given by the Inquiry Officer and ordered to issued Show Cause Notice for stoppage of two annual increments and accordingly a show cause notice was issued to the respondent No.5 i.e. Karnail Singh ASI and he submitted reply to the said show cause notice.

However, one increment with temporary effect was stopped 24.06.2022. vide order dated 24.06.2022.

8. That respondent No.5 filed appeal before Additional Director General of Police, Ambala Range, Ambala Cantt and the same was accepted vide order dated 10.09.2022 on the ground that the complainant namely Sachin Dagar (now the present petitioner) did not join departmental inquiry after giving him five chances by the inquiry

officer and the inquiry officer has also submitted in his findings that Deepak Bakshi has stated in his statement that Rs. 5000/- has come to his account from Sachin Dagar's UCO Bank Account but the appellant has never demanded Rs. 5000/- from him. However, the copy of order dated 10.09.2022 passed by Additional Director General of Police Ambala Range, Ambala Cantt is attached as Annexure R-1 for the kind perusal of this Hon'ble Court. This the present petition deserves to be dismissed.”

The grievance of the petitioner has already been redressed as the representation dated 21.08.2020 (Annexure P-1) has been considered and departmental action against respondent No.5 has been taken by awarding him the punishment of stoppage of one annual increment with temporary effect by the Superintendent of Police, Kurukshetra vide order dated 24.06.2022, which was set aside by the Additional Director General of Police, Ambala Range, Ambala Cantt. vide order dated 10.09.2022 (Annexure R-1) on an appeal filed by respondent No.5.

In this view of the matter, no further orders are required to be passed in the present petition as the same has been rendered infructuous.

Disposed off as having been rendered infructuous.

27.09.2022
Neha

(NAMIT KUMAR)
JUDGE

Whether speaking/reasoned

:

Yes/No

Whether reportable

:

Yes/No