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

CWP-23862-2022

Date of decision: 17.10.2022

MUKESH KUMAR

...Petitioner

VERSUS

STATE OF HARYANA AND OTHERS

...Respondents

CORAM: HON'BLE MS. JUSTICE JAISHREE THAKUR

Present:- Mr. Sachin Kaushik, Advocate
for the petitioner.

JAISHREE THAKUR, J. (Oral)

The instant writ petition has been filed under Articles 226/227 of the Constitution of India for issuance of a writ in the nature of mandamus with a limited prayer for treating the appeal that has been filed before the Director General of Police, Haryana against orders dated 02.04.2021 (Annexure P-1) and dated 05.10.2021 (Annexure P-2) as a revision petition and the same be decided expeditiously.

Learned counsel for the petitioner herein would contend that the petitioner had been appointed as a Constable on 28.10.2000, however, faced departmental inquiry initiated against him by respondent No.4 vide order dated 14.01.2021. The Inquiry Officer submitted his findings holding the petitioner guilty of the charges levelled against him and the petitioner was awarded punishment of reduction of rank from Head Constable to

Constable vide order dated 02.04.2021. Against the said order, the petitioner challenged the same by filing an appeal before respondent No.3 but the same was also dismissed vide order dated 05.10.2021. Against the impugned orders, the petitioner herein ought to have filed a revision petition but inadvertently mentioned it as an appeal, which is still pending consideration before respondent No.2-Director General of Police, Haryana.

Learned counsel for the petitioner herein submits that it is only on account of the fact that he did not have proper knowledge regarding the nomenclature that he had mentioned the word appeal while challenging the impugned orders and, therefore, the same should be treated as a revision petition.

Notice of motion.

Ms. Kirti Singh, DAG, Haryana, who is present in Court, accepts notice on behalf of the respondents-State.

I have heard learned counsel for the parties and in view of the limited prayer made to treat the appeal as filed by the petitioner as a revision petition, I deem it appropriate to dispose of the instant writ petition in *limine* itself.

It is not in dispute that the petitioner had been visited with a punishment of reduction in rank from Head Constable to Constable vide order dated 02.04.2021, which order was challenged in an appeal before respondent No.3, who dismissed the same vide order dated 05.10.2021. The petitioner has challenged the said orders before the Director General of Police, Haryana-respondent No.2 but has inadvertently mentioned that it is an appeal, whereas he should have mentioned that it is a revision of the

impugned orders as sought. The nomenclature of the word appeal instead of revision should have no bearings on the relief sought by the petitioner and, therefore, let the said appeal be treated as a revision petition and be disposed of in accordance with law, preferably within a period of two months from the date of receipt of the certified copy of this order. Let an opportunity of personal hearing be also afforded to the petitioner herein before passing any speaking order.

Consequently, the instant writ petition is disposed of in aforesaid terms.

17.10.2022
Chetan Thakur

(JAISHREE THAKUR)
JUDGE

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No