

In the High Court of Punjab and Haryana, at Chandigarh

Civil Writ Petition No. 1868 of 2023

Date of Decision: 31.01.2023

Varinder Singh

... Petitioner(s)

Versus

State of Punjab and Others

... Respondent(s)

CORAM: Hon'ble Mr. Justice Anil Kshetarpal.

Present: Mr. S.S.Grewal, Advocate
for the petitioner(s).

Mr. Vikas Arora, Assistant Advocate General,
Punjab, for the respondents.

Anil Kshetarpal, J.

1. The petitioner prays for issuance of the writ in the nature of certiorari to quash the orders dated 26.02.2021 passed by the Deputy Inspector General of Jail-cum-Supreintendent, Headquarter Jail, Patiala, vide which he has been dismissed from service. He also prays for quashing the appellate order passed by the Additional Director General of Police, Punjab, Chandigarh, in the exercise of appellate jurisdiction.

2. The petitioner was recruited as a Jail Warder on 28.12.2018. He was caught with two new mobile phones allegedly concealed in the inner pocket of his jacket. It is suspected that the aforesaid mobile phones were to be supplied to the gangsters who were confined in the prison. The charge sheet was issued to the petitioner and he was granted an opportunity to participate in the inquiry proceedings. In order to hold a regular inquiry in the matter, the disciplinary authority nominated the Inquiry Officer. Ultimately, the Inquiry Officer found that charge No.1 is proved against the petitioner. The disciplinary authority, after granting an opportunity of hearing to the petitioner as well as an opportunity to file his response,

passed a detailed order on 26.02.2021, which was subsequently, affirmed in appeal by the Appellate Authority.

3. Heard the learned counsel representing the parties, at length and with their able assistance, perused the paper-book.

4. The learned counsel representing the petitioner submits that before holding the regular inquiry, no preliminary inquiry was held and the evidence produced by the Presenting Officer was not sufficient to return a finding against the petitioner.

5. On a Court question, the learned counsel representing the petitioner has failed to draw the attention of the Court to any service rules which mandatorily requires the holding of a preliminary inquiry. As far as the sufficiency or insufficiency of the evidence is concerned, it is observed here that the scope of interference in exercise of the powers of judicial review is limited. It is evident that the petitioner has been granted sufficient opportunities to explain his conduct. It has come on record that due to greed of money, another Warder Tarundeep Singh, in connivance with the petitioner, had tossed these mobile phones into the jail premises and the petitioner collected the same and tried to bring them inside the surveillance check. The petitioner was caught during surveillance check.

6. In view of the aforesaid facts, no ground to issue the writ is made out. Consequently, the writ petition is dismissed.

(Anil Kshetarpal)
Judge

January 31, 2023

“DK”

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No