

2023:PHHC:093657

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

RSA-1044-2019 (O&M)
Date of decision: 24.07.2023

ASI Satpal

....Appellant

Versus

State of Haryana and others

..Respondents

CORAM: HON'BLE MR. JUSTICE ANIL KSHETARPAL

Present:- Mr. H.N.Sahu, Advocate for the appellant

Ms. Vibha Tiwari, AAG, Haryana

ANIL KSHETARPAL, J (Oral)

CM-2527-C-2019

1. After hearing learned counsel representing the applicant and for the reasons stated in the application, delay of 20 days in filing the appeal is hereby condoned.

2. CM stands allowed.

Main case

3. The correctness of the concurrent findings of fact arrived at by the courts below while dismissing the plaintiff's suit for grant of decree of declaration and mandatory injunction has been assailed in this appeal. The appellant joined the Police Department on 19.12.1979. Subsequently, he was promoted. On 04.01.2011, a show cause notice was served to the appellant with the allegations that he delayed the arrest of the accused in FIR No. 90 dated 21.07.2010 registered under Sections 447, 511 IPC. He also delayed the presentation of challan by 40 days.

On the receipt of his reply, a charge-sheet was drawn against the appellant and the Superintendent of Police was nominated to hold inquiry. After the completion of the inquiry, the Superintendent of Police held that charges against the appellant stood proved. The disciplinary authority initially awarded punishment of stoppage of one increment with temporary effect, however, the Inspector General of Police has reviewed the order and ordered stoppage of two increments with permanent effect. The suit filed by the plaintiff, as already noticed, has been dismissed by both the courts below.

4. Learned counsel representing the appellant contends that the disciplinary authority has awarded punishment of one increment without future effect and the Inspector General of Police has wrongly enhanced the same.

5. This Court has considered the submissions of the learned counsel representing the appellant. It is evident that as per Rule 16.28 of the Punjab Police Rules, the Inspector General of Police has the enabling power to revise the order passed by the disciplinary authority. Moreover, both the courts, on appreciation of evidence, have concurrently held that there is no error in the departmental proceedings. While hearing second appeal, this Court is not expected to interfere unless the learned counsel representing the appellant draws the attention of the court to any mis-reading or non-reading of the material evidence, which has led to perversity in the impugned order.

6. In view of the aforesaid, no ground to interfere is made out.

7. Hence, dismissed.
8. All the pending miscellaneous applications, if any, are also
disposed of.

24.07.2023
rekha
Whether speaking/reasoned : Yes/No
Whether reportable : Yes/No

(ANIL KSHETARPAL)
JUDGE