

**1372 IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH**

RSA-286-1993 (O&M)

Date of decision: 08.08.2023

Randhir Singh

..Appellant

Versus

State of Haryana

.Respondent

CORAM: HON'BLE MR. JUSTICE ANIL KSHETARPAL

Present:- Mr. Kulvir Narwal and
Mr. Shubham Choudhary, Advocate for the appellant

Mr. J.S.Pannu, AAG, Haryana

ANIL KSHETARPAL, J (Oral)

1. The correctness of the concurrent findings of facts arrived at by the courts below is challenged by the plaintiff in this Regular Second Appeal. While on duty, he was found to have consumed liquor, he also entered into fight with his two colleague Constables. He was smelling alcohol but when called upon to give urine and blood samples but he refused to cooperate. In the inquiry proceedings, the charges against the appellant were proved. Ultimately, the disciplinary authority ordered stoppage of two increments with permanent effect. An appeal filed by the appellant was dismissed. Thereafter, he filed the suit, which as already observed, has been dismissed by both the courts below.

2. Learned counsel representing the appellant submits that in the order of punishment passed by the Superintendent of Police, his two increments were stopped and it has not been recorded that the punishment is with permanent effect. The authorities have wrongly assumed that the increment was stopped with the permanent effect. He

further submits that during 38 years of appellant’s service, he has 17 ‘Good’ entries to his credit.

3. It is evident that the appellant was found guilty and punished under Rule 16 (1.3) of the Punjab Police Rules, Vol.II which deals with the major punishments. The authority passed the order under the aforesaid rule. Moreover, the learned counsel representing the appellant admits that this argument was never taken up before the courts below. Hence, there is no substance in the argument.

4. The next argument of the learned counsel representing the appellant is in the context of the quantum of punishment. The disciplinary authority has ordered stoppage of two increments with permanent effect after finding the appellant to have indulged in misconduct of consuming liquor and entering into fight with colleagues, despite being members of the disciplined force.

5. In such circumstances, the punishment awarded is not shockingly disproportionate to the mis-conduct of the appellant. Hence, no ground to interfere with the concurrent findings of the fact is made out.

6. Dismissed.

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

08.08.2023

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Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No

(ANIL KSHETARPAL)
JUDGE