

2023:PHHC:085574

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

RSA-1304-2014 (O&M)
Date of decision: 06.07.2023

EHC Roshan Lal

..Appellant

Versus

State of Haryana and others

.Respondents

CORAM: HON'BLE MR. JUSTICE ANIL KSHETARPAL

Present:- Mr. Karamveer Singh Banyana, Advocate for the appellant

Mr. J.S.Pannu, AAG, Haryana

ANIL KSHETARPAL, J (Oral)

1. The plaintiff was compulsorily retired from the service with pensionary benefits. He assailed its correctness while filing the civil suit, which has been dismissed by both the courts below. The plaintiff has filed this appeal challenging the correctness of the order passed by the courts below.

2. Learned counsel representing the appellant submits that in the absence of doubtful integrity, the order of retiring the petitioner compulsorily is wrong. He submits that in the Annual Confidential Report for the period from 21.05.2004 to 18.03.2005, his integrity is recorded as satisfactory.

3. On the other hand, the learned State counsel has submitted that the appellant was issued a memorandum of charges as he demanded the bribe from driver of a truck and on his refusal to pay the same, the appellant alongwith certain police officials beat him up. Ultimately, charge-sheet was issued and the disciplinary authority awarded

the punishment of stoppage of two increments with permanent effect vide order dated 25.02.2005. It has also been brought to the notice of the Court that a separate civil suit challenging the correctness of the punishment order has already been dismissed and the appeal filed by the appellant has also been dismissed by the High Court.

4. This Court has considered the submissions. Annual Confidential Report with respect to period from 21.05.2004 to 18.03.2005 reads as under:-

Place of posting	C.I.A, Kurukshetra
Discipline	Indiscipline
Integrity	Satisfactory
Reliability	Unreliable
Moral character	Satisfactory
General Remarks	Awarded punishment of stoppage of two increments with permanent effect vide order No.8947-51 dated 25.2.2005 in a D.E

5. It is evident that the reporting officer reported that the appellant is not only indisciplined but he is not even reliable. In the column of general remarks, the punishment, which was awarded to the appellant was recorded. It is not disputed that the appellant was punished for having beaten up a driver for refusing to pay the bribe. The appellant was a police official and once he demanded the bribe, his integrity becomes doubtful.

6., Learned counsel representing the appellant contends that the inquiry officer reported that the charges against the appellant were not proved. Hence, he stood exonerated.

7. This Court has considered the submissions. The inquiry officer is required to submit a report to the disciplinary authority. Ultimately, the decision is required to be taken by the disciplinary authority. In this case, the disciplinary authority disagreed with the report of the inquiry officer and held that the charges against the appellant were proved. It was for this reason the punishment of stoppage of two increments with permanent effect was awarded to the appellant, which has now attained finality.

8. Moreover, a police official, who is neither disciplined nor reliable, does not deserve to continue in service. Hence, no ground to interfere is made out.

9. Dismissed.

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

06.07.2023

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Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No

(ANIL KSHETARPAL)
JUDGE