

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

**R.S.A. No. 842 of 2018
Date of Decision: 06.09.2023**

Raman Deep Singh

.....Appellant

Versus

Union of India and others

.....Respondents

CORAM: HON'BLE MR. JUSTICE ANIL KSHETARPAL

Present:- Mr. Amandeep S. Manaise, Advocate and
Mr. Hardik Ahluwalia, Advocate,
for the appellant.

Mr.S.K. Sharma, Senior Panel Counsel,
for the respondent-Union of India.

ANIL KSHETARPAL, J.(Oral)

1. The correctness of concurrent findings of fact arrived at by the Courts below is assailed in the second appeal by the plaintiff. In substance, he challenges the correctness of order passed by the Additional Deputy Inspector General of Police on 08.09.2007 and memo. dated 05.04.2008. Appellant was served with a charge-sheet alleging that he did not hand over 10 live rounds of 7.62 mm. ammunition to the next Sentry. He also attempted suicide at 18:00 hrs. on 04.06.2007. He also used mobile phone while doing his duty though it was not permitted. Ultimately, the appellant was ordered to be removed from service. The plaintiff's suit challenging the order of punishment was dismissed by the trial Court which, in appeal, has been upheld by the First Appellate Court.

2. Heard learned counsel representing the parties at length and with their able assistance perused the record.

3. Learned counsel representing the appellant submits that no FIR has been registered against the appellant and the case was conducted under Section 11 of the CRPF Act, 1949 (hereinafter referred to as 'the Act') which does not provide for dismissal from service.

4. As regards the argument that no FIR has been registered, the same is not relevant for the decision of the present case. As regards second argument, the First Appellate Court has relied upon the judgment passed by the Supreme Court in **Union of India and others vs. Ghulam Mohd. Bhat 2005(13)SCC 228**. This Court has carefully read the judgment. After interpreting Section 11 of the Act of 1949, the Supreme Court has held as under:-

“A bare perusal of Section 11 shows that it deals with minor punishment as compared to the major punishments prescribed in the preceding section. It lays down that the Commandant or any other authority or officer, as may be prescribed, may, subject to any rules made under the Act, award any one or more of the punishments to any member of the force who is found guilty of disobedience, neglect of duty, or remissness in the discharge of his duty or of other misconduct in his capacity as a member of the force. According to the High Court the only punishments which can be awarded under this Section are reduction in rank, fine, confinement to quarters and removal from any office of distinction or special emolument in the force. In our opinion, the interpretation is not correct, because the section says that

these punishments may be awarded in lieu of, or in addition to, suspension or dismissal.”

5. Keeping in view the above interpretation, the conclusion drawn by the Supreme Court is binding. Hence, no ground to interfere is made out.
6. Appeal stands dismissed.

September 06, 2023
poonam

(ANIL KSHETARPAL)
JUDGE

<i>Whether speaking/reasoned:</i>	<i>Yes</i>
<i>Whether Reportable:</i>	<i>No</i>