

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

CWP No. 4027 of 2023

Date of decision : March 21, 2023

Balbir Singh

..... Petitioner

Versus

State of Punjab and others

..... Respondents

CORAM : HON'BLE MR.JUSTICE PANKAJ JAIN

Present :-Mr. Tarunveer Vashist, Advocate
for the petitioner.

PANKAJ JAIN, J. (ORAL)

Present writ petition has been filed under Article 226/227 of the Constitution of India by the petitioner seeking issuance of writ in the nature of certiorari against the order dated 19.01.2006 passed by the Deputy Inspector General of Police/Admn. India Reserved Battalions, Punjab, Chandigarh (Annexure P-6), order dated 10.4.2006 passed by Inspector General of Police, India Reserved Battalions, Punjab, Chandigarh (Annexure P-7) and further orders affirming the aforesaid orders whereby the petitioner has been awarded with the punishment of forfeiture of 5 years of service with permanent effect. The petitioner who is working as Head Constable in C.I.D Unit was served with chargesheet involving allegations of having received illegal gratification. He was

conducted in enquiry. However, *de novo* enquiry was ordered. The Punishing

Authority ordered dismissal of the petitioner. However, in revision before the ADGP, Armed Bsn., Jalandhar vide order dated 16.08.2007, the punishment of dismissal was reduced to that forfeiture of five years of approved service for increments on permanent basis.

Learned counsel for the petitioner has submitted that once the petitioner was fully exonerated in the earlier enquiries *de novo* enquiry ought not have been ordered and thus, the consequential order of punishment cannot be sustained.

I have heard learned counsel for the petitioner and have gone through the records of the case.

The pertinent feature that has weighed heavily with this Court is that the petitioner during the enquiry has not denied the allegations but has stated that he received payment on instructions of his seniors.

Trite it is, that the punishing authority is not bound by the enquiry report and is well within its right to order *de novo* enquiry.

In the light of admission made by the petitioner though qualified, this Court does not find any illegality in the recourse adopted by the punishing authority in ordering *de novo* enquiry.

Keeping in view the allegations levelled against the petitioner and admission on his part, the punishment awarded to the petitioner is also not found to be disproportionate which would warrant interference by this Court while

exercising writ jurisdiction under Article 226 of the Constitution of India.

In view of the above, no ground to interfere in the present writ petition is made out. Resultantly, the same is dismissed.

(PANKAJ JAIN)
JUDGE

March 21, 2023
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Whether speaking/reasoned	Yes
Whether Reportable :	No