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IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CWP-1288-2024
Date of decision: 01.02.2024

Amit Chahal

...Petitioner

Versus

State of Haryana and others

...Respondents

CORAM: HON'BLE MR. JUSTICE VIKAS BAHL

Present: Mr. Amit Jhanji, Sr. Advocate with
Mr. Sandeep S. Ghangas, Advocate and
Mr. Abhishek K. Premi, Advocate for the petitioner.

Ms. Palika Monga, DAG, Haryana.

VIKAS BAHL, J. (ORAL)

1. This is a Civil Writ Petition filed under Article 226/227 of the Constitution of India for the issuance of a writ in the nature of certiorari for setting aside the order dated 08.12.2023 (Annexure P-8) whereby the petitioner has been discharged from service under Rule 12.18(3)(b) of the Punjab Police Rules, 1934.
2. Learned Senior Counsel for the petitioner has submitted that in the present case, the petitioner has not made any concealment and in the attestation form (Annexure P-7), he had specifically stated that there was a criminal case pending against him in point No.13(i) and in point No.14, even the details of the criminal case were mentioned. It is further submitted that

the petitioner was issued an appointment letter although provisionally and the petitioner has joined the service and has been discharging his duties. It is also submitted that by virtue of the order dated 08.12.2023 (Annexure P-8), the petitioner has been discharged from service on the ground that in FIR No.50 dated 24.03.2019, the petitioner was charge sheeted. It is contended that the petitioner has thereafter been acquitted vide judgment dated 04.01.2024 (Annexure P-12). It is further contended that the power to discharge is contained in Sub Clause 4 of Rule 12.18 of the Punjab Police Rules, 1934 (as applicable to State of Haryana) alone and the said power can be exercised if it is revealed that the candidate has got appointment either by concealment of facts or by furnishing false or wrong information or by submitting fake or forged document/certificate which is not the case against the petitioner. It is further argued that at any rate, the petitioner has now been acquitted and thus, has prayed that the entire matter in the light of the abovesaid facts and circumstances be reconsidered by respondent No.2 and the said reconsideration be done without being influenced by the earlier order dated 08.12.2023. It is also contended that for the said purpose, the petitioner would give a detailed representation to respondent No.2 and the same be considered in a time bound manner, in accordance with law.

3. Learned State Counsel has submitted that in case any such representation is submitted to respondent No.2, then respondent No.2 would consider the same in accordance with law, as expeditiously as possible preferably within a period of six weeks from the date of receipt of the said representation.

4. Keeping in view the abovesaid facts and circumstances, the

present Civil Writ Petition is disposed of with the following observations/directions:-

- a) It would be open to the petitioner to give a detailed representation bringing on record the abovesaid facts and circumstances including the subsequent fact of acquittal of the petitioner vide judgment dated 04.01.2024.
- b) Respondent No.2 would reconsider the matter after taking into consideration all the facts and circumstances mentioned in the representation and the said reconsideration would be done uninfluenced by the observations made in the order dated 08.12.2023 (Annexure P-8).
- c) The said reconsideration would be done within a period of six weeks from the date of receipt of said representation in accordance with law.
- d) In case, the pleas raised by the petitioner are found to be meritorious then respondent No.2 would grant necessary relief, in accordance with law and in case, respondent No.2 is of the opinion that the pleas raised by the petitioner are not meritorious then a speaking order rejecting the same be passed within a period of six weeks from the date of receipt of said representation.

5. This Court has not opined on the merits of the case and respondent No.2 would consider the case of the petitioner independently, in accordance with law.

01.02.2024

Pawan

(VIKAS BAHL)
JUDGE

Whether speaking/reasoned:-

Yes/No

Whether reportable:-

Yes/No