

116

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

CWP-6514-2024
Date of decision: 19.03.2024

Satbir Singh

...Petitioner

Versus

State of Haryana and others

...Respondents

CORAM: HON'BLE MR. JUSTICE VIKAS BAHL

Present: Mr. Lajpat Rai Sharma, 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 quashing the final report (Annexure P-1) and order (Annexure P-2) passed by respondent No.4.
2. Learned counsel for the petitioner has submitted that as per the alleged incident, two persons i.e., the petitioner and one Hukam Singh were involved in the said incident which was not related to the performance of their official duties. It is further submitted that although, by virtue of the final order dated 05.09.2016 (Annexure P-4), the punishment of stoppage of three annual increments with permanent effect had been imposed upon the petitioner but vide order dated 17.06.2020 (Annexure P-5) passed by the

Additional Director General of Police, Ambala Range, Ambala Cantt., Hukam Singh's punishment of stoppage of five future annual increments with permanent effect has been set aside and the case of the present petitioner is on a similar footing as that of said Hukam Singh. It is contended that same inquiry report is there against the petitioner and the said Hukam Singh. It is further contended that the petitioner had given representation dated 16.04.2022 (Annexure P-6) to the Director General of Police, Haryana to consider his case in view of subsequent order dated 17.06.2020 (Annexure P-5) and he would be satisfied at this stage, in case, respondent No.2 is directed to consider the said representation dated 16.04.2022 (Annexure P-6) in a time bound manner and in case, the pleas raised by the petitioner are found to be meritorious, then, to grant necessary relief, in accordance with law.

3. Learned State Counsel has submitted that respondent No.2 would consider the said representation dated 16.04.2022 (Annexure P-6), in accordance with law, as expeditiously as possible, preferably within a period of three months from the date of receipt of certified copy of the present order.

4. Keeping in view the abovesaid facts and circumstances, the present Civil Writ Petition is disposed of with direction to respondent No.2 to consider representation dated 16.04.2022 (Annexure P-6), in accordance with law, within a period of three months from the date of receipt of certified copy of the present order and 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 three months from the date of receipt of certified copy of the present order.

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 and all the aspects including the aspect of delay would be considered by respondent No.2.

19.03.2024
Pawan

(VIKAS BAHL)
JUDGE

Whether speaking/reasoned:-	Yes/No
Whether reportable:-	Yes/No