

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

**CWP-5725-2023 (O&M)
Date of decision: 15.01.2024**

ASHOK KUMAR**....PETITIONER**

Vs.

STATE OF PUNJAB AND OTHERS**...RESPONDENTS****CORAM: HON'BLE MR. JUSTICE JAGMOHAN BANSAL**

Present: Mr. Kiran Kumar Madan, Advocate
for the petitioner.

Mr. Inderpreet Singh Kang, AAG, Punjab.

JAGMOHAN BANSAL, J (ORAL)

1. The petitioner through the instant petition under Articles 226/227 of the Constitution of India is seeking setting aside of Departmental Inquiry Report dated 28.08.2017 (Annexure P-6); punishment order dated 02.04.2018 (Annexure P-9), Appellate Authority order dated 02.11.2018 (Annexure P-10), revisionary order dated 04.09.2019 (Annexure P-11), order dated 19.06.2020 (Annexure P-13) whereby mercy petition has been dismissed and order dated 17.05.2022 (Annexure P-14) whereby DGP has rejected representation of the petitioner.

2. The petitioner joined Punjab Police as constable on 27.04.2011. The petitioner from time to time, was transferred from one place to another. The petitioner on 29.12.2015 was assigned duty to accompany ASI Gursharan Singh and Head Constable Satpal to Civil Hospital for postmortem of deceased Rajwinder Singh son of Gurmej Singh. The petitioner was served with charge-sheet alleging that he failed to deposit viscera of the deceased Rajwinder Singh within time. A similar charge-sheet was issued to different police officials. The

petitioner has been subjected to punishment of forfeiture of annual increment of two years with cumulative effect whereas other employees have been subjected to punishment of forfeiture of annual increment without cumulative effect. The petitioner was constable at the time of commission of alleged lapse and for the first time, he was assigned duty of getting postmortem done whereas all other officers are seniors as well as experienced still they are subjected to lesser quantum of punishment.

3. Counsel for the petitioner submits that case of the petitioner is squarely covered by the judgment of Supreme Court in “*Man Singh Vs. State of Haryana and others, (2008) 12 Supreme Court Cases 331*”.

4. Mr. Inderpreet Singh Kang, AAG, Punjab expressed his inability to controvert the anomaly in the punishment awarded to the petitioner *vis-a-vis* other employees. He fairly submits that if Court directs, the Competent Authority would reconsider case of the petitioner.

5. In the wake of judgment of *Man Singh (Supra)* and the facts involved, the disciplinary authority is directed to reconsider case of the petitioner qua cumulative effect of the punishment awarded to the petitioner. The needful shall be done within 4 months from today.

6. In view of the above, the present petition stands disposed of.

15.01.2024
manoj

[JAGMOHAN BANSAL]
JUDGE

Whether speaking/reasoned	Yes/No
Whether reportable	Yes/No