

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

205

RSA-2642-1999 (O&M)
Date of Decision :05.04.2024

Mohammad Hiraman

...Appellant

Versus

State of Punjab and another

....Respondents

CORAM: HON'BLE MR. JUSTICE HARSIMRAN SINGH SETHI

Present: Mr. Sahil Soi, Advocate for
Mr. S.P. Soi, Advocate for the appellant.

Mr. Rohit Ahuja, DAG, Punjab.

* * *

Harsimran Singh Sethi, J. (Oral)

1. In the present appeal, challenge is to the judgment and decree of the Courts below by which, the suit filed by the appellant/plaintiff challenging order dated 24.11.1993, by which, he was discharged from service under Rule 12.21 of the Punjab Police Rules has been dismissed.

2. Learned counsel for the appellant argues that impugned order dated 24.11.1993, by which he was discharged from service is cryptic and non-speaking as it does not give reason as to why the appellant-plaintiff has been discharged from service under Rule 12.21 of the Punjab Police Rules.

3. It may be noticed that keeping in view Rule-12.21 of the Punjab Police Rules, in case authorities/department is of the opinion that an officer is not likely to become an efficient police officer, he/she can be discharged from service. In the present case, order simplicitor is being

termed as stigmatic, which is not permissible.

4. Even otherwise, in case allegations are mentioned against the employee while passing order under Rule 12.21 of the Punjab Police, the same will become stigmatic, which is not permissible.

5. Learned counsel for the appellant further submits that no opportunity of hearing was given to the appellant before passing the impugned order by the respondents.

6. No rule has been cited that before passing an order under Rule 12.21 of Punjab Police Rules, an opportunity of hearing is to be given. In the absence of any rule cited or brought on record, said argument cannot be accepted.

7. On being asked to point out any perversity in the judgment and decree of the Courts below, learned counsel for the appellant has not been able to point out any perversity in the evidence and facts which had come on record. In the regular second appeal, only the perversity, if any, in the judgment and decree of the Courts below is to be seen rather than allowing the appellant to argue the case afresh.

8. Keeping in view the facts and circumstances recorded hereinbefore, no ground for interference by this Court is made out and the present regular second appeal is accordingly dismissed.

9. Civil miscellaneous application pending, if any is also disposed of.

April 05, 2024
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(HARSIMRAN SINGH SETHI)
JUDGE

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No