

IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH

Letters Patent Appeal No. 583 of 2022 (O&M)
Date of Decision: 29.01.2024

State of Haryana and othersAppellants
versus
Rajbir Singh and anotherRespondents

CORAM: HON'BLE MS.JUSTICE RITU BAHRI, ACTING CHIEF JUSTICE
HON'BLE MR. JUSTICE AMAN CHAUDHARY, JUDGE

Present : Mr. Deepak Balyan, Addl. Advocate General, Haryana,
for the appellants.

Mr. G.S.Gopera, Advocate, for respondent No.1.

RITU BAHRI, ACTING CHIEF JUSTICE (oral)

CM No. 1328-LPA-2022

For the reasons mentioned in the application, delay of 29
days in filing the appeal is condoned.

Main appeal

The appellant-State of Haryana has filed this appeal against
the impugned judgment dated 06.04.2022 passed by the learned Single
Judge whereby the writ petition filed by the petitioners-respondents was
allowed.

2. Pursuant to the order dated 22.11.2023 passed by this Court,
an affidavit of Mr. Narendra Bijarniya, IPS, Commandant, 2nd IRB,
District Gurugram, has been filed in Court and the same is taken on
record.

3. In paragraph-4 of the affidavit, it has been stated that no
official had participated in the Pad Yatra except one police official posted
in the office of Superintendent of Police, Jind, whose photograph was
printed on the banner when Pad Yatra was going on. Further it has been

stated that ASI Karan Singh has been awarded punishment of censure

vide order dated 29.03.2016 (Annexure R-2) for having his photograph on the banner as active member which went viral on whatsapp. The above stated facts make it abundantly clear that punishment of censure was given to an official whose picture was on the banner and picture on the banner was sufficient evidence to provoke other persons to take part in the Padyatra.

4. Keeping in view the affidavit filed by the appellant-State of Haryana, the appeal is dismissed and the writ petition filed by the petitioners-respondents is allowed. The impugned order dated 04.10.2016 passed by the appellant-authorities imposing punishment of stoppage of five annual increments with permanent effect upon the respondents-petitioners is set aside and punishment is being reduced to ‘censure at par with ASI Karan Singh’.

(RITU BAHRI)
ACTING CHIEF JUSTICE

(AMAN CHAUDHARY)
JUDGE

29.01.2024
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Whether speaking/reasoned	✓Yes/No
Whether reportable	Yes/No✓