

RSA-1124-2014

-1-

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

(106)

RSA-1124-2014

Date of decision:- 30.04.2024

Balraj Singh

...Appellant

Versus

The State of Haryana and others

...Respondents

CORAM: HON'BLE MR. JUSTICE SUVIR SEHGAL

Present: Mr. Gurmandeep Singh Sullar, Advocate
for the appellant.

Mr. Aman Bahri, Additional Advocate General, Haryana.
...

SUVIR SEHGAL, J. (Oral)

1. Plaintiff-appellant is in second appeal before this Court, challenging the concurrent finding recorded by the Courts below.
2. Pleaded case of the plaintiff-appellant, who was working as a Constable, is that disciplinary proceedings were initiated against him on account of mis-conduct, which culminated in passing of order dated 21.08.2006, whereby punishment of stoppage of four annual increments with permanent effect was imposed. Departmental appeal was rejected vide order dated 20.10.2006. Challenging both the orders, he filed a suit for declaration with consequential relief of mandatory injunction.

RSA-1124-2014

-2-

3. Upon notice, suit was contested by the defendants-respondents, wherein, besides taking preliminary objections, it was submitted that departmental enquiry was conducted against the plaintiff-appellant and his colleagues under Rule 16.38 of Punjab Police Rules, 1934, and penal action was taken on basis of Inquiry report. Plaintiff filed replication and on the basis of pleadings, issues were framed. Trial Court by judgment and decree dated 30.07.2011, dismissed the suit. First Appellate Court rejected the appeal filed by the plaintiff by judgment dated 08.07.2013, and he is before this Court in the instant appeal.

4. I have heard counsel for the parties and considered their respective submissions.

5. During the pendency of the civil suit, plaintiff-appellant preferred a revision petition, which was rejected by the Director General of Police, Haryana, vide order dated 17.11.2016, which is reproduced hereunder:-

“This order shall dispose of revision petition dated 02.09.2016 submitted by EHC (now EASI) Balraj Singh No.1112/SRWS (hereinafter referred to as revisionist) against appellate order dated 20.10.2006 vide which his appeal against the punishment of stoppage of four annual future increment with permanent effect inflicted upon him by the Superintendent of Police, Sirsa vide order dated 21.8.2006, was rejected by the Inspector General of Police, Hisar Range Hisar being time barred. The punishment was awarded to the revisionist in a joint departmental enquiry conducted against him and his co-defaulters Const. Ram Niwas No.1101/SRS and Bhagwan Dass

No.372/SRS on the allegations that while they were detailed on escort duty in respect of accused Shankar Lal s/o Sh. Balwant Singh Bishnoi r/o village Bhojasar (Rajasthan) to produce him in the court at Phalaudi (Rajasthan) on 15.02.2006 from district Jail, Sirsa. On 17.2.2006, Inspector CIA-1 Shish Ram checked a car in suspicious condition near railway phatak Sirsa and found that the revisionist and others were sitting with above accused and they told on enquiry that they were coming from Phalaudi (Rajasthan) and stayed with the accused at his residence on the night of 15/16.2.2016.

The revisionist is present before the undersigned. I have heard him. He states that he did his duty as per the norms but the fact remained that they were found in a car in suspicious condition by Inspector Shish Ram, CIA Sirsa. He could not give account of the location of himself as well as the prisoner on 16.2.2006 night. I have perused the whole record. The allegation against the revisionist has been proved beyond doubt as he failed to give location of himself as well as the prisoner on the night dated 16.2.2006. I find no reason to interfere with the punishment awarded by the punishing authority. The revision petition is rejected.

This order is issued today under my seal. Copy of this order is handed over to the revisionist by hand today in my presence."

6. The punishment order and the appellate order challenged by the appellant in the civil suit, have merged in the revisional order. The remedy, if any, available to the appellant is to question in the revisional order. Civil Suit and instant appeal are, therefore, not maintainable.

Appeal is dismissed as non-maintainable.

RSA-1124-2014

-4-

8. At this stage, counsel for the appellant submits that as adverse finding has already been recorded in the civil suit, which has been upheld by the First Appellate Court in case he assails the revisional order, the finding is likely to come on his way. He has requested that findings of the Courts below be set aside and appellant be granted permission to challenge the order passed in revision.

9. After considering the request, liberty is granted to the appellant to challenge the revisional order, if so advised. In case the appellant impugnes the revisional order, findings recorded by the Courts below would not come in his way and the respondents would be at liberty to take all the available objections in accordance with law.

(SUVIR SEHGAL)
JUDGE

30.04.2024
Pardeep

Whether Speaking/Reasoned	Yes
Whether Reportable	Yes/No