



CWP-1636-2025

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

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CWP-1636-2025

Date of decision: 22.01.2025

EHC NAVED KHAN

....PETITIONER

Vs.

STATE OF HARYANA AND OTHERS

...RESPONDENTS

CORAM: HON'BLE MR. JUSTICE JAGMOHAN BANSAL

Present: Dr. Suresh Kumar Redhu, Advocate
for the petitioner.

Ms. Rajni Gupta, Addl. A.G., Haryana.

JAGMOHAN BANSAL, J (ORAL)

1. The petitioner through instant petition under Article 226 of the Constitution of India is seeking setting aside of:

- (i) Inquiry report dated 01.04.2015 (Annexure P-1) whereby petitioner was held guilty of charges leveled against him.
- (ii) Punishment order dated 22.07.2015 (Annexure P-2) whereby he was dismissed from service.
- (iii) Order dated 24.10.2026 (Annexure P-6) whereby his appeal against the punishment order was dismissed.
- (iv) Order dated 05.11.2024 (Annexure P-8) whereby his revision was dismissed.

2. The petitioner joined Haryana Police as Constable on 18.07.2012.

He came to be implicated in FIR No. 199 dated 09.11.2014 under Sections 147,

149, 353, 186, 506 IPC and FIR No. 200 dated 09.11.2014 under Sections 148,



149, 353, 186 and 506 IPC registered at Police Station Nagina, District Mewat. The respondent conducted departmental inquiry and disciplinary authority ordered to dismiss him from service. The Appellate Authority vide order dated 24.10.2016 taking lenient view allowed appeal of the petitioner and ordered to reinstate him in service with immediate effect. The punishment of dismissal from service was substituted by stoppage of five future annual increments with permanent effect. The operative portion of order dated 24.10.2016 is reproduced as below:-

“I have carefully gone through the appeal, relevant file and orders passed by the authority before and all other relevant record/documents in depth. The action against the appellant has been taken by the punishing authority in accordance with rules and procedures and there is no legal infirmity in it. On perusal of the record relevant to appeal and DE file etc. it is found that the appellant has been acquitted by the court. PWs have stated that his name was involved on the basis of details provided by informer. It is also found that his name was involved due to villager's enmity. Hence, keeping in view the above facts and welfare of his family, I am taking lenient view and the appeal is hereby accepted and the appellant is reinstated in service with immediate effect. The punishment awarded to Ex. Ct. Naved Khan No. 1187/FBD vide by DCP/Hqrs., Faridabad office order No. 847-52/ST dated 22.07.2015 (dismissal from service) is hereby modified to the punishment of stoppage of five future annual increment with permanent effect.

The Director General of Police, Harana, Panchkula is the authority before whom you can file your revision petition within a month of the date of dispatch of appellate orders as per provision of PPR 16.32.”



3. The petitioner at that time was satisfied with the Appellate Order because he was reinstated in service. He, in 2024, preferred revision before Revisionary Authority which came up for consideration before Director General of Police who vide impugned order dated 30.10.2024 (Annexure P-8) dismissed on the ground of delay. The operative portion of order dated 30.10.2024 is reproduced as below:-

“Whereas I have carefully examined all relevant documents i.e. revision petition submitted by the revisionist, departmental enquiry file and orders passed by the Punishing and Appellate Authority. The departmental enquiry has been conducted in accordance with laid down procedure and has no legal infirmity in it according to provisions laid down in PPR 16.32, an officer whose appeal has been rejected may apply within a month from date of dispatch of appellate order to him to the authority next to the prescribed Appellate Authority for revision. In this case, the revisionist has submitted revision petition after delay of more than nine years which is highly time barred. Hence, there is no ground to interfere with the orders passed by the Punishing and Appellate Authority. Therefore, revision petition is dismissed being highly time barred. Further, Commissioner of Police, Faridabad is directed to decide dismissal period as well as suspension period as per laid down provisions.”

4. Notice of motion.

5. Ms. Rajni Gupta, Addl. A.G., Haryana who on advance notice is present in Court, accepts notice on behalf of respondent-State and waives service.

6. With the consent of both sides, the matter is taken up for final disposal.



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7. On being confronted with findings of DGP with respect to suspension/dismissal period, Ms. Rajni Gupta, Addl. A.G., Haryana submits that Competent Authority would do the needful within 2 months from today.

8. From the perusal of impugned order, it is evident that petitioner approached Revisionary Authority after 9 years from the date of passing of Appellate Order. From the act and conduct of petitioner, it is evident that he was satisfied with Appellate Order and after 9 years thought it appropriate to approach Revisionary Authority. The said Authority has rightly dismissed his revision on the ground of delay. There is no reasonable explanation for delay except lame excuse. If the instant petition is allowed, it would permit every official to file revision as per its convenience.

9. Dismissed.

22.01.2025
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[JAGMOHAN BANSAL]
JUDGE

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