



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

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CWP-15219-2002 (O&M)

Date of Decision:11.09.2025

NARESH KUMAR

...Petitioner

Vs.

STATE OF HARYANA AND ORS.

...Respondents

CORAM:- HON'BLE MR. JUSTICE JAGMOHAN BANSAL

Present:- Mr. Samrat Malik, Advocate for the petitioner

Mr. Suneel Ranga, DAG Haryana

JAGMOHAN BANSAL, J. (ORAL)

1. The petitioner through instant petition under Articles 226/227 of the Constitution of India is seeking setting aside of orders passed by respondents whereby he was dismissed from service.

2. The petitioner was enrolled as Constable (Commando) in Haryana Armed Police on 15.04.1992. He was elected as President of the Haryana Police Karamchari Sangh. The activities of Association were disliked by senior officers. They dismissed office bearers of the Association. The petitioner was dismissed from service on 29.08.2001. He unsuccessfully preferred appeal. The appeal was decided on the direction of this Court passed in *CWP No.5569 of 2002*.

3. As per reply, a preliminary inquiry was conducted and report was supplied to the petitioner. He received documents along with summary of allegations. The departmental inquiry was initiated against

him vide order dated 15.03.2001 and summary of allegations was supplied to him on 12.04.2001. The Enquiry Officer from 12.04.2001 to 19.07.2001 fixed 25 dates for departmental enquiry and recording of statement of prosecution witnesses. The petitioner did not allow to record statement of witnesses on one or another pretext. He made enquiry impossible. The department dispensed with further enquiry on account of unavoidable circumstances created by petitioner. He issued press statements levelling serious allegations against senior officers which is violation of Rule 14.44 of Punjab Police Rules, 1934 (as applicable to State of Haryana) (in short 'PPR'). He along with Satbir Singh and Anil Kumar tried to disturb proceedings of B-1 Test held on 20.01.2002. A criminal case was registered against him. He was arrested. For the said misconduct, regular departmental enquiry was initiated against Constable Anil Kumar.

4. Learned counsel for the petitioner submits that petitioner being President of the Association made statement before Press which was published in newspapers. He did not disclose any official secret. The respondent initiated departmental proceedings but without concluding, invoked Clause (b) of 2nd Proviso to Article 311 (2) of Constitution of India. The petitioner was a Constable, thus, he was not in a position to halt departmental proceedings. Allegation of respondent that petitioner did not let the departmental proceedings concluded is misconceived. The alleged incident in which he was arrested, took place after his order of dismissal from service. He has been acquitted by trial Court in 2010.

5. *Per contra*, learned State counsel reiterated contents of

written statement and counter to application.

6. I have heard learned counsel for the parties and perused the record of the case.

7. From the perusal of record, it is evident that petitioner joined Police force as Constable in April' 1992. He was dismissed from service in 2001 means he had short span of 9 years' service to his credit. He is not denying the fact that he had released press statement. He is claiming that he had acted in the interest of members of Association. Nothing was derogatory and against the interest of the State. The contents of press statements do not fall within parameters of Rule 14.44 of PPR.

8. Concededly, petitioner acted as President of the Association. The respondent initiated departmental proceedings and 25 sittings took place. However, no witness could be examined which compelled the authorities to dispense with enquiry. The petitioner in his press statements made adverse remarks against Head of the Department i.e. DGP. He also questioned working of the department including charging of fee of Rs.100/- – Rs.500/- for filing application for the post of Constable. He is claiming that he was not in service when alleged incident of interference in B-1 test took place. Undoubtedly, he was arrested and FIR was registered against him. He faced trial though was acquitted in 2010. These facts collectively indicate that he was not fit for the post. In Police Department, discipline is of paramount consideration. He was dismissed from service in 2001 and a period of 24 years has passed away. At this belated stage, it would not be in the interest of justice to reinstate

him, particularly, in view of his conduct.

9. The scope of interference in departmental proceedings is very limited. The matter has been examined by different authorities. There are concurrent findings. This Court cannot act as Appellate Court while exercising power under Article 226 of The Constitution of India. There seems no manifest factual or legal infirmity warranting interference.

10. In the wake of above factual position, this Court is of the considered opinion that the instant petition deserves to be dismissed and accordingly dismissed.

11. Pending application(s), if any, stands disposed of.

(JAGMOHAN BANSAL)
JUDGE

11.09.2025
Deepak DPA

Whether Speaking/reasoned	Yes/No
Whether Reportable	Yes/No