



**204-1 IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH**

CWP-17132-2008

Date of Decision: 13.11.2025

Goverdhan Dass

...Petitioner

Versus

State of Haryana and Others

...Respondents

CORAM:- HON'BLE MR. JUSTICE JAGMOHAN BANSAL

Present:- Mr. Vikram Singh, Advocate,
Mr. Ishnoor Singh, Advocate and
Mr. Yuvraj Garg, Advocate
for the petitioner.

Mr. Ravi Partap Singh, 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:

- (i) Enquiry report dated 12.02.2006;
- (ii) Order dated 16.03.2006 whereby he was awarded punishment of stoppage of four annual increments;
- (iii) Order dated 29.09.2006 whereby his appeal was rejected; and
- (iv) Order dated 06.06.2008 whereby his revision was dismissed.

2. The petitioner in 2005 was posted as Head Constable at Police Post Kalanaur, District Yamuna Nagar on 15.10.2005, there was a news in Punjab Kesri to the effect that Police Officials are collecting Rs.10/- from each Tractor Trolley. On the basis of said news, the respondent initiated departmental proceedings against petitioner as well as two more officials namely Constable Sudesh and ASI Shish Pal. The

Inquiry Officer found ASI Shish Pal innocent and declared petitioner and Constable Sudesh guilty of misconduct. The Disciplinary Authority recorded disagreement note and held ASI Shish Pal guilty of alleged offence along with petitioner and Constable Sudesh. The Disciplinary Authority awarded punishment of forfeiture of increments to all the Police Officials. They preferred appeals before Appellate Authority which came to be dismissed. They further preferred revision before DGP who allowed revision of ASI Shish Pal, however, dismissed revision of petitioner as well as Constable Sudesh.

3. Learned counsel representing the petitioner submits that petitioner was at par with ASI Shish Pal. In the inquiry, it was found that petitioner as well as ASI Shish Pal was inside the Police Station and Constable Sudesh was standing on the road. ASI Shish Pal had been declared innocent whereas petitioner was awarded punishment of forfeiture of four increments. He was not only awarded punishment of forfeiture of four increments but also compulsorily retired at the age of 51 years.

4. *Per contra*, learned State counsel submits that petitioner cannot claim parity with ASI Shish Pal. The petitioner was inside Police Station and was part of team collecting money from each Tractor Trolley. The authorities have recorded categorical findings to the effect that petitioner was equally responsible like Constable Sudesh.

5. I have heard learned counsel for the parties and perused the record with their able assistance.

6. From the perusal of record, it is evident that authorities at one point of time are claiming that petitioner as well as ASI Shish Pal

was inside Police Station, however, while acquitting ASI Shish Pal are holding that ASI Shish Pal was not in the police station. Merely the fact that ASI Shish Pal was not in the police station could not exonerate him if he was in-charge of the police station. The petitioner is held guilty only on the ground that he was inside police station and ASI Shish Pal is exonerated only on the ground that he was not in the police station. There was no evidence in the form of statement of Tractor Trolley owner or otherwise to the effect that petitioner was collecting money from Tractor Trolley owners. The respondent heavily placed reliance upon photographs published in the newspaper. In the newspaper, photograph of Constable Sudesh was published. There was no photograph of petitioner. He was concededly inside police station.

7. In the wake of above discussion and findings, this Court is of the considered opinion that petitioner was subjected to punishment on the basis of newspaper report and there was no conclusive evidence holding him responsible.

8. The petition deserves to be allowed and accordingly ***allowed***. Enquiry report dated 12.02.2006 and impugned orders dated 16.03.2006, 29.09.2006 and 06.06.2008 are hereby set aside.

(JAGMOHAN BANSAL)
JUDGE

13.11.2025
Prince Chawla

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