



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

CWP-13990-2017

Date of Decision: 10.11.2025

Naresh Kumar and Another

...Petitioners

Versus

State of Haryana and Others

...Respondents

CORAM:- HON'BLE MR. JUSTICE JAGMOHAN BANSAL

Present:- Dr. Suresh Kumar Redhu, Advocate
for the petitioners.

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 orders dated 30.12.2015, 06.03.2017, 06.04.2017 and 17.05.2017.

2. The petitioner No.1 joined Haryana Police Force as Constable on 01.11.1991 and was promoted as Head Constable (ORP) vide order dated 17.03.2003. He was holding rank of ESI (ORP) in 2015. Petitioner No.2 was recruited as Constable on 26.11.1998 and was promoted as officiating Head Constable on 01.10.2010. He was holding rank of Assistant Sub Inspector (ORP) in 2015. They came to be implicated in FIR No.766 dated 24.12.2015 registered under Sections 120-B, 166, 180, 201, 203, 212, 214, 217, 218, 342, 385 and 420 of IPC and Sections 15, 17, 18, 27 and 29 of Narcotic Drugs and Psychotropic Substances Act, 1985 at Police Station Samalkha, District Panipat. The respondent initiated departmental inquiry against them. Inquiry Officer in

his report dated 06.03.2017 found them guilty. They were issued show cause notice dated 10.03.2017 proposing punishment of dismissal from service. They were awarded punishment of forfeiture of three increments with permanent effect vide order dated 06.04.2017 passed by Superintendent of Police (SP).

3. Learned counsel representing the petitioner submits that respondent by order dated 17.05.2017 has initiated departmental inquiry and Inquiry Officer has served summary of allegations, therefore, inquiry is nothing more than repetition of earlier inquiry. The allegations made in the earlier inquiry as well as impugned inquiry are identical. The petitioners cannot be subjected to two inquiries for the same set of allegations. The respondent in the earlier inquiry punished them alleging that they are involved in aforesaid FIR which is foundation of impugned inquiry.

4. *Per contra*, learned State counsel submits that first inquiry was with respect to absence from duty. Jurisdictional Deputy Superintendent of Police (DSP) conducted inspection and during inspection, petitioners were found absent. On account of absence from duty, departmental proceedings were initiated. They were found guilty and accordingly punished. The impugned inquiry has been initiated on account of involvement of petitioners in aforesaid FIR. The petitioners were arrested and thereafter released on regular bail. The Investigating Officer after completing investigation has already filed his report and matter is pending before trial Court.

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 petitioners were subjected to punishment of stoppage of three annual increments with permanent effect vide order dated 06.04.2017. The petitioners are attempting to plead that punishment by order dated 06.04.2017 was awarded on account of involvement of petitioners in aforesaid FIR. Indubitably, there is reference of aforesaid FIR in order dated 06.04.2017, however, from the perusal of show cause notice and report of Inquiry Officer, it is evident that earlier inquiry was not initiated on account of involvement of petitioners in aforesaid FIR though said FIR was noted in the proceedings. The respondent has initiated second inquiry with respect to involvement of petitioners in aforesaid FIR. Investigating Officer has already filed his final report and matter is pending before trial Court. The proceedings initiated by impugned orders are separate and independent from previous proceedings. Contention of petitioners that they are being subjected to second inquiry on the set of same allegations is misconceived and cannot be countenanced.

7. In the backdrop, this Court does not find it appropriate to interfere with impugned order. Accordingly, the instant petition is hereby ***dismissed.***

(JAGMOHAN BANSAL)
JUDGE

10.11.2025
Prince Chawla

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