



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

CWP-20103-2016

Date of Decision: 03.09.2025

Madan Lal

...Petitioner

Versus

State of Haryana and Others

...Respondents

CORAM:- HON'BLE MR. JUSTICE JAGMOHAN BANSAL

Present:- Mr. Kamal Chaudhary, Advocate
for the petitioner.

Mr. Ashok Kumar Khubbar, Addl. A.G., Haryana.

JAGMOHAN BANSAL, J. (ORAL)

1. The petitioner through instant petition under Articles 226/227 of the Constitution of India is seeking setting aside and staying of:

- (i) Order dated 03.08.2010 whereby he was awarded punishment of forfeiture of two annual increments with cumulative effect;
- (ii) Order dated 02.12.2010 whereby his appeal was dismissed on account of delay; and
- (iii) Order dated 08.03.2016 whereby his revision was also dismissed.

2. The petitioner was subjected to punishment of forfeiture of two annual increments with cumulative effect vide order dated 03.08.2010 passed by SP. The said punishment was awarded on account of his involvement in a criminal case i.e. FIR No.280 dated 15.06.2009 registered under Sections 222, 223, 224, 225, 216, 342 and 120-B of IPC

at Police Station Sector-5, Panchkula. Co-accused Amrik Singh was awarded punishment of stoppage of 10 annual increments with cumulative effect. Petitioner as well as Amrik Singh faced criminal trial. They were acquitted vide judgment dated 06.09.2013 passed by trial Court. The petitioner preferred appeal before Appellate Authority on 29.11.2010 which came to be dismissed on the ground of limitation. He preferred revision before Director General of Police (**DGP**) who also dismissed revision on the ground of delay.

3. Learned counsel representing the petitioner submits that Amrik Singh filed appeal after judgment of acquittal i.e. 04 years after order of dismissal from service. Appeal of Amrik Singh was entertained and punishment was substantially reduced. In the case of petitioner, there was small delay of less than 03 months which was not condoned.

4. Mr. Ashok Kumar Khubbar, Addl. A.G., Haryana submits that there was delay in filing appeal, thus, Appellate Authority was quite competent to dismiss appeal on the ground of delay. The petitioner was bound to appeal within 30 days from the date of receipt of order.

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 SP passed punishment order on 03.08.2010. There is nothing on record disclosing date on which said order was received by petitioner. He preferred appeal on 29.11.2010. It means appeal was filed within four months from the date of order passed by Disciplinary Authority. The period prescribed for filing appeal is 30 days. In the absence of date of receipt of order, it can be inferred that there was delay of about three months. The Appellate

Authority entertained appeal of Amrik Singh who filed appeal after four years from the date of order. Not only his appeal was entertained but also substantially relief was granted. The petitioner was acquitted along with Amrik Singh. His matter was also required to be reconsidered.

7. In the wake of aforestated facts and circumstances, this Court finds it appropriate to set aside orders passed by Appellate and Revisionary Authority. The matter is remanded back to Appellate Authority to pass fresh order on merit. The petitioner is directed to appear before Appellate Authority on 16.09.2025 at the first instance and thereafter as directed by said Authority.

8. ***Disposed of.***

(JAGMOHAN BANSAL)
JUDGE

03.09.2025
Prince Chawla

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