



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

CWP-19846-2009

Date of Decision: 15.05.2025

RAJESH KUMAR

..... Petitioner

Versus

STATE OF HARYANA AND ORS.

..... Respondents

CORAM: HON'BLE MR. JUSTICE JAGMOHAN BANSAL

Present : Mr. Aditya Yadav, Advocate for the petitioner.

Mr. Raman Sharma, Addl. AG, Haryana.

JAGMOHAN BANSAL, J. (Oral)

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

(i) Order dated 12.05.2008 (Annexure P-5) whereby he has been dismissed from service;

(ii) Order dated 16.07.2008 (Annexure P-6) and order dated 27.01.2009 (Annexure P-7) whereby his revision petitions have been dismissed.

2. The petitioner joined Haryana Police Force on 06.09.2007. Three persons did not pay their loan and for the said reason FIR No.184 dated 25.09.2007, under Sections 406, 420, 467, 471, 419, 120B, 170 and 201 of IPC was registered against them. The petitioner was also nominated under Section 120B of IPC. The accused who had borrowed loan repaid the same. The DSP in regular departmental inquiry confirmed the said fact. The petitioner was issued show cause notice calling upon to show cause as to why his two annual increments should not be stopped. He was discharged by order dated 12.05.2008 on the ground that he has been found guilty during probation period. He unsuccessfully preferred



appeal before Appellate Authority. He also filed revision which was dismissed by DGP vide order dated 27.01.2009. The petitioner had not borrowed loan and at the time of borrowing loan by others, he was student and in a casual manner, identified two persons namely Sunil Kumar and Rajendra who had borrowed loan.

3. Learned counsel for the petitioner submits that petitioner was discharged from service while he was on probation. The sole ground of discharge was registration of FIR against him. He has been acquitted in FIR and Departmental Authorities have dismissed his appeal on the ground of maintainability. The authorities should re-consider his claim in the light of his acquittal.

4. Mr. Raman Sharma, Addl. AG, Haryana does not dispute aforesaid factual and legal position.

5. In the wake of aforesaid factual and legal position, the impugned orders are hereby set aside and jurisdictional SP is directed to consider claim of the petitioner. The jurisdictional SP shall take care of the fact that loan was not borrowed by petitioner, the actual borrower repaid the loan, the petitioner was a student at the time of transaction of loan and he has been acquitted in criminal proceedings arising on account of non-payment of loan by borrowers.

6. It is hereby clarified that if petitioner is reinstated, he would not be entitled to benefits of past service.

7. Disposed of.

(JAGMOHAN BANSAL)
JUDGE

15.05.2025

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Whether speaking/reasoned
Whether Reportable

Yes/No
Yes/No