



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

234

CWP No. 8951 of 2016
Date of Decision: 11.02.2025

Ganga Ram

.....Petitioner(s)

Versus

State of Haryana and others

.....Respondent(s)

AND

CWP No. 23230-2016

Ganga Ram

.....Petitioner(s)

Versus

State of Haryana and others

.....Respondent(s)

CORAM: HON'BLE MR. JUSTICE JAGMOHAN BANSAL

Present: Mr. Rakesh Nagpal, Advocate,
for the petitioner.

Mr. Saurabh Mohunta, DAG, Haryana.

JAGMOHAN BANSAL, J. (Oral)

1. By this common order, two writ petitions i.e. CWP Nos. 8951 and 23230 of 2016 are hereby adjudicated as issues involved and prayer sought in all the petitions are common. For the sake of convenience and with the consent of parties, the facts are borrowed from CWP No. 8951 of 2016.

2. The petitioner through instant petition filed under Articles 226 and 227 of the Constitution of India is seeking direction to respondent to permit him to join as Sub Inspector w.e.f. 05.02.2013. He is further seeking direction to respondent to release his pension and other retiral dues.



3. The petitioner joined Haryana Police on 02.09.1976 as Constable. He was promoted to the rank of Head Constable on 08.12.1987. He was further promoted to the post of Assistant Sub Inspector on 12.03.1996 and to the post of Sub Inspector on 16.07.2007. While he was posted as Station House Officer at Tohana, an FIR No. 185 dated 13.09.2010 under Section 302 IPC came to be registered. As per said FIR, mother of complainant was murdered by unknown persons. On further investigation, it was found that daughter of complainant's brother was also missing. It was apprehended that complainant's mother as well as his brother's daughter have been murdered by complainant himself on account of greed of property. The complainant and his accomplice came to be arrested.

4. The Disciplinary Authority on the basis of report of Deputy Superintendent of Police initiated proceedings against petitioner alleging that there was misconduct on his part while investigating aforesaid FIR. The respondent conducted regular departmental inquiry. The Inquiry Officer found him guilty and Disciplinary Authority ordered to demote him from the post of Sub Inspector to Assistant Sub Inspector. He preferred an appeal before Appellate Authority which substituted punishment of reduction in rank to forfeiture of two increments with permanent effect. The petitioner did not assail said order, meaning thereby, punishment of forfeiture of two increments with permanent effect became final.

5. The respondent initiated another inquiry against petitioner alleging that he had torn pages of *Roznamcha*. In the inquiry, it was found that he has actually committed alleged offence. The Disciplinary Authority ordered to dismiss him from service. He preferred appeal against said order and Appellate Authority ordered to convert punishment of dismissal from service to reduction



and ordered to demote him from the rank of Assistant Sub Inspector to Head Constable. The department sought clarification and the Appellate Authority clarified that he should be demoted by one rank. Accordingly, he was liable to be demoted from the rank of Sub Inspector to Assistant Sub Inspector.

6. The petitioner claims that all the proceedings concluded in 2013 and he was entitled to be reinstated on the rank of Assistant Sub Inspector. However, jurisdictional authorities did not permit him to join. He had 37 years unblemished service record. He was three times awarded during his service tenure and had 95 good entries. He attained age of superannuation on 31.01.2016.

5. Mr. Mohunta, on being confronted with aforesaid facts, does not dispute the fact that petitioner was dismissed from service. However, he was ordered to be reinstated subject to punishment of reduction in rank. The first punishment was confined to forfeiture of two increments with permanent effect.

6. I have heard the arguments and perused the record.

7. From the perusal of record, it is evident that petitioner attained age of superannuation on 31.01.2016. He was subjected to two punishments i.e.

- (i) forfeiture of two increments with permanent effect and;
- (ii) reduction of rank from Sub Inspector to Assistant Sub Inspector.

8. There is dispute with respect to joining after awarding of aforesaid punishments. The petitioner in any case attained age of superannuation on 31.01.2016. On account of 37 years service, he was entitled to pension and other retiral dues.

9. Both the petitions stand disposed of with a direction to respondent to release pension to the petitioner from the date of his superannuation



non-joining of duty, shall not be entitled to pay and allowances for the period from the date of order of dismissal to the date of superannuation. However, said period shall not come in his way for the purpose of pension and other pensionary benefits. He shall be entitled to interest @ 6% per annum on the arrears on account of pension and other retiral dues. The needful shall be done within a period of 3 months from today.

11.02.2025
shivani

(JAGMOHAN BANSAL)
JUDGE

Whether reasoned/speaking	Yes
Whether reportable	Yes