



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

203

CWP-26790-2015

Date of Decision: 25.09.2025

DHEERAJ KUMAR

...Petitioner

Vs.

STATE OF HARYANA AND ORS.

...Respondents

CORAM:- HON'BLE MR. JUSTICE JAGMOHAN BANSAL

Present:- Dr. S.K. Redhu, Advocate
for the petitioner with petitioner in-person

Mr. Ravi Partap Singh, DAG Haryana

JAGMOHAN BANSAL, J. (ORAL)

1. The petitioner through instant petition under Article 226/227 of the Constitution of India is seeking setting aside of orders dated 11.01.2010 (Annexure P-5) and 29.10.2010 (Annexure P-8) whereby he was awarded punishment of stoppage of two annual increments with permanent effect.

2. The petitioner claims that he was awarded punishment of stoppage of two annual increments vide order dated 29.10.2010 passed by Inspector General of Police, State Crime Branch, Panchkula. He preferred an appeal before Appellate Authority i.e. Director General of Police (for short 'DGP') who heard the matter and formed an opinion that punishment awarded appears to be harsh, therefore, awarded punishment should be reduced to warning. DGP recorded his findings on 08.01.2015 and on the same day, he left charge. The successor of aforesaid Officer

again heard the matter and passed fresh order whereby appeal was dismissed and punishment of stoppage of two annual increments was upheld.

3. Learned counsel for the petitioner submits that petitioner would not pursue any remedy before authorities and he would be satisfied if awarded punishment is converted into stoppage of two annual increments with temporary effect.

4. Learned State counsel submits that DGP dictated the order, however, did not sign it. It is settled law that unsigned order cannot be relied upon. Hon'ble Supreme Court in '*Bachittar Singh vs. State of Punjab*', [1962] Supp. 3 SCR 713 has held that a document takes colour of order as soon as it is communicated. In the instant case, leaving aside communication, the order was not signed by DGP, thus, could not be relied upon.

5. On being confronted with allegations against the petitioner and findings of authorities, learned State counsel could not controvert the fact that punishment seems to be on the higher side.

6. I have heard learned counsel for the parties and perused the record of the case.

7. It is correct that unsigned order of DGP cannot be relied upon.

8. From the perusal of record, it comes out that petitioner was subjected to departmental enquiry alleging that while he was posted as SHO, PS Karnal, he declared Parveen Kumar and Mohinder Kumar

innocent in FIR No.180 dated 06.05.2008 under Sections 148/149/323/452 of IPC registered at PS City Karnal. The matter was later on investigated by Jagat Singh, Additional SP, Panipat on the directions of this Court. The aforesaid persons who were earlier declared innocent, were arrested by adding Section 148 and 149 of IPC in the aforesaid FIR. Both the accused were finally acquitted by the trial Court.

9. The petitioner while acting as Investigating Officer found aforesaid persons innocent and did not arrest them. There is nothing on record disclosing that there was connivance between aforesaid persons and petitioner or he had received undue advantage from them.

10. The petitioner is claiming that punishment awarded is on the higher side. This Court is not oblivious of the fact that scope of interference under Article 226 of Constitution of India in departmental proceedings is very limited and narrow, however, restrictions are self-imposed. In an appropriate case, Court may interfere.

11. In the normal course matter ought to be remanded to authorities to reconsider quantum of punishment. However, in the instant case, this Court does not find it appropriate to remand the matter because a period of 15 years has already passed away. The authorities have passed impugned orders mechanically and there are all possibilities that remand would multiply the litigation. Thus, to cut short the litigation and considering the alleged misconduct, this Court deems it appropriate to reduce the quantum of punishment. Accordingly, awarded punishment is converted into stoppage of two increments with temporary effect.

- 12. Disposed of.
- 13. Pending application(s), if any, stands disposed of.

(JAGMOHAN BANSAL)
JUDGE

September 25, 2025
Deepak DPA

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