



IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

RSA-3835-2008 (O&M)

State of Haryana

.....Appellant

vs.

Iqbal Kaur

.....Respondent

Date of Reserve: 18.03.2026

Date of Pronouncement: 02.04.2026

Uploaded on:- 07.04.2026

Whether only the operative part of the judgment is pronounced? No

Whether full judgment is pronounced? Yes

CORAM: HON'BLE MRS. JUSTICE SUDEEPTI SHARMA

Present: Mr. Harish Nain, AAG, Haryana.

Mr. Karamveer Singh Banyana, Advocate
for the respondent.

SUDEEPTI SHARMA J.

1. The present regular second appeal is preferred by State of Haryana against judgment and decree dated 06.08.2008 passed by learned Addl. District and Sessions Judge, Hisar whereby the appeal filed by respondent/plaintiff against the judgment and decree dated 26.03.2008 passed by learned Addl. Civil Judge (Sr. Divn) Hisar, was allowed.

BRIEF FACTS OF THE CASE

2. Brief facts of the case as per civil suit are that respondent/plaintiff was posted as Inspector at Hisar and during her posting, one Smt. Saroj Bala daughter of Mahinder Singh filed complaint against the respondent/plaintiff before the Superintendent of Police, Hisar that she (Iqbal Kaur) was not proceeding

against her (Smt. Saroj Bala) opposite party deliberately in a complaint filed by



her (Smt. Saroj Bala). Deputy Supdt. Of Police (Headquarter) vide his order dated 03.11.2003 (Ex D1) recommended departmental action against the respondent/plaintiff. Consequently, Supdt. Of Police, Hisar appointed Deputy Supdt. Of Police City Hisar as Enquiry Officer to enquire into the allegation leveled by the complainant (Smt. Saroj Bala) against the respondent/plaintiff. The Enquiry Officer proceeded to conduct the departmental enquiry against the respondent/plaintiff. The respondent/plaintiff joined the enquiry and the Enquiry Officer submitted his report dated 29.12.2003 (Ex D4) and found the truth in the allegations leveled by the complainant (Smt. Saroj Bala) against the respondent/plaintiff. On receipt of enquiry report dated 29.12.2003 (Ex D4), Supdt of Police, Hisar served show cause notice dated 06.01.2004 (Ex D5) upon the respondent/plaintiff, which she received on 07.01.2004 and in the show cause notice (Ex D5), Supdt of Police, Hisar proposed of withholding of two future increments with permanent effect. The respondent/plaintiff gave her reply to the said shown cause notice. Thereafter, Supdt of Police passed order dated 09.03.2004 (Ex D7) and awarded punishment of censure to the respondent/plaintiff. Aggrieved by the same, the respondent/plaintiff preferred civil suit, which was dismissed vide judgment and decree dated 26.03.2008 passed by learned Addl. Civil Judge (Sr. Divn) Hisar. She filed appeal against the same, which was accepted vide judgment and decree dated 06.08.2008 passed by learned Addl. District and Sessions Judge, Hisar. Hence, the present Regular second appeal.

SUBMISSIONS OF LEARNED COUNSEL FOR THE PARTIES

3. Learned counsel for the appellants contends that the learned Addl. District and Sessions Judge, Hisar, vide judgment and decree dated 06.08.2008

has wrongly set aside the well reasoned judgment and decree dated 26.03.2008



passed by learned Addl. Civil Judge (Sr. Divn) Hisar. He further contends that the appeal of the respondent has wrongly been allowed on the ground that concurrence of District Magistrate was not obtained before initiation of departmental proceedings against the respondent/plaintiff. He, therefore, prays that the present Regular second appeal be allowed.

4. To give support to his contentions, he relies upon judgments of this Court in cases of ***Punjab State and others vs. Balwinder Singh, 2008 (3) SCT 803 and Devi Lal vs State of Haryana and others, 2019 (2) PLR 89***, wherein it is held by this Court that sanction of District Magistrate is not required when the disciplinary proceedings are initiated under Police Rules.

5. Per contra, learned counsel for the respondent contends that learned District Judge, Hisar has rightly allowed the appeal filed by the respondent. He, therefore, prays that the present Regular second appeal be dismissed.

6. I have heard learned counsel for the parties and perused the whole record of this case with their able assistance.

7. A perusal of the record shows that the appeal of the respondent/plaintiff has been allowed only on the ground that before initiating enquiry proceedings against her, concurrence of District Magistrate was not obtained as envisaged under Rule 16.38 of Punjab Police Rules.

8. Before proceeding further, it would be apposite to reproduce Rule 16.38 of Punjab Police Rules as applicable to State of Haryana.

“Rule 16.38 for Haryana

(16.38. Criminal offences by police officers and strictures by courts-Procedure regarding.- (1). Where a preliminary enquiry or investigation into a complaint alleging the commission by an enrolled police officer of a criminal offence

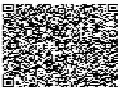


in connection with his official relations with the public, establishes a prima facie case, a judicial prosecution shall normally follow. Where however, the Superintendent of Police proposes to proceed in the case departmentally, the concurrence of the District Magistrate shall be obtained.

9. A bare perusal of the above referred to order shows that the same relates to the criminal offence by police officers whereas in the present case, the respondent/plaintiff was not criminally prosecuted, therefore, concurrence of the District Magistrate before proceeding against the respondent/plaintiff, was not required to be obtained.

10. Further perusal of the record shows that order dated 09.03.2004 (Ex D7) is passed on the basis of enquiry report dated 29.12.2003 (Ex D4). Ex D1 is the document whereby Enquiry Officer requested for departmental action against the respondent/plaintiff. Ex D2 is statement of allegations annexed with the statement of witnesses and documents. Ex D3 is charge sheet and Ex D5 is show cause notice. The above exhibits clearly shows that the respondent/plaintiff was supplied with the statement of allegations and list of witnesses, documents and chargesheet. A perusal of the final report dated 29.12.2003 (Ex D4) shows that the respondent/plaintiff was afforded opportunity to lead evidence in her defence. She took objection that before initiating departmental action, concurrence of District Magistrate was not sought as envisaged under Rule 16.38 of Punjab Police Rules. The said objection was decided against her by Enquiry Officer by giving reasonable finding, as the respondent/plaintiff did not commit criminal offence.

11. So far as recording of adverse remarks against the respondent/plaintiff in the ACR for the period 04.10.2003 to 31.03.2004 is



concerned, the same have been rightly recorded on the basis of complaint made by Saroj Bala against the respondent/plaintiff.

12. In view of the above, the present appeal is **allowed** and judgment and decree dated 06.08.2008 passed by learned Addl. District and Sessions Judge, Hisar is set aside and judgment and decree dated 26.03.2008 passed by learned Addl. Civil Judge (Sr. Divn) Hisar is affirmed.

13. Parties are left to bear their own costs. Decree sheet be prepared accordingly.

14. Pending application (s) if any also stands disposed of.

(SUDEEPTI SHARMA)
JUDGE

02.04.2026
Gaurav Arora

Whether speaking/reasoned : Yes
Whether reportable : Yes