
(2013) 07 P&H CK 0708
In the Punjab And Haryana At Chandigarh
Case No : CWP No. 4339 of 2013

ASI Dilbag Singh

APPELLANT

Vs

State of Haryana and Others

RESPONDENT

Date of Decision : 15-07-2013

Acts Referred:

Citation : (2013) 07 P&H CK 0708

Hon'ble Judges : Rajiv Narain Raina, J

Bench : Single Bench

Advocate : Sat Narain Yadav, for the Appellant;

Final Decision : Dismissed

Judgement

Rajiv Narain Raina, J.—The challenge, in this petition, is to an order dated 13.12.2011 (Annexure P-5) imposing punishment of stoppage of 3 annual future increments with permanent effect. The major penalty has been imposed after holding a regular enquiry into the charges levelled against the petitioners. The Enquiry Officer in his report dated 22.11.2011 found the petitioner guilty of the charges. The charge was that the petitioner, then Incharge, Police Post, Rajlugarhi had misguided Inspector Yashpal, SHO Police Station Gannaur with respect to an incident between two people and the petitioner had found fault with Ashok Kumar whereas it was Ranbir who had committed offence. Inspector Yashpal reached the spot on a call from Surender Rathi that a quarrel had taken place between Ashok Kumar and Ranbir Singh. On conclusion of the enquiry, the petitioner was served with a show cause notice dated 5.12.2011 provisionally proposing punishment of stoppage of 3 annual increments with permanent effect. After considering the reply of the petitioner, Senior Superintendent of Police, Sonapat, the authority competent imposed major punishment vide elaborate order dated 13.12.2011. After going through the entire gamut of the incident dated 24.7.2011, he found that the petitioner had tarnished the image of the police in the eyes of the public which has had bad effect on other members of the disciplinary force. Petitioner ASI Dilbagh Singh No. 385-Sonapat was holding a

responsible post but had not done justice to both the quarreling parties and had not spoken the truth to his higher officials. That is how the punishment order has been passed. In appeal before the Inspector General of Police, Rohtak Range, Rohtak, the authority vide order dated 13.3.2012 has taken a lenient view and has reduced the punishment to that of stoppage of one annual future increment with permanent effect.

2. Aggrieved still, the petitioner preferred a revision before the Director General of Police, Haryana, Panchkula under PPR 16.32. The petitioner urged that there had been contravention of the mandatory provisions of PPR 16.38(1)(ii) that the District Magistrate's concurrence was required before holding a regular enquiry for a thing relating to discharge of official duties. Issues on merits were also pressed in proof of commencement of the charge. The revision petition has been dismissed. It has been found that the departmental enquiry has been conducted in accordance with the procedure laid down. Two authorities i.e. Enquiry Officer and Inspector General of Police have examined the factual issues arising and has found it justified to inflict the reduced punishment. The order of the Inspector General of Police, Rohtak Range, Rohtak has been maintained.

3. Mr. Yadav, argues that Rule 16.32 of the Punjab Police Rules as applicable to Haryana provides that to proceed with departmental enquiry, the concurrence of the District Magistrate has to be obtained. The argument is misplaced. Rule 16.32(3) deals with complaints of commission of criminal offence by the police officials in connection with their official relations with public. The Rule lays down that in cases of complaint of commission of criminal offence, a judicial prosecution shall normally follow and where the Department wishes to proceed departmentally against a delinquent policeman, only then the concurrence of District Magistrate is required. In the present case, there is no allegation of the commission of criminal offence against ASI Dilbag Singh. The argument of Mr. Yadav, therefore, deserves to be rejected. It is well settled that this Court does not sit in appeal over the orders of punishment passed by administrative authorities unless they are perverse or such as no reasonable man would pass. Choice of punishment is the business of the punishing authority. I find no ground to depart from the view expressed by the Senior Superintendent of Police, Sonapat, Inspector General of Police, Rohtak Range, Rohtak and the Director General of Police, Haryana, Panchkula. No ground for interference is made out. The petition being devoid of merit fails and is dismissed.