
(2006) 08 P&H CK 0493
In the Punjab And Haryana At Chandigarh

ASI Hawa Singh	Vs	APPELLANT
State of Haryana and Others		RESPONDENT

Date of Decision : 22-08-2006

Acts Referred:

Constitution of India, 1950 — Article 226
Penal Code, 1860 (IPC) — Section 406, 408, 420, 5

Citation : (2006) 08 P&H CK 0493

Hon'ble Judges : M.M.S. Bedi, J;M.M. Kumar, J

Bench : Division Bench

Final Decision : Dismissed

Judgement

M.M. Kumar, J.—This petition filed under Article 226 of the Constitution prays for quashing order dated 20.2.2006 (Annexure P.5) passed by the Director General of Police, Haryana, compulsorily retiring the petitioner from service by exercising his powers under Rule 9.18(2) of the Punjab Police Rules, 1934 (as applicable to Haryana). The petitioner has been working on the post of Assistant Sub Inspector. A show cause notice was issued on 7.9.2005 under Rule 9.18(2) by confronting him his confidential record which reads as under:

1. He was warned in the departmental enquiry conducted against him on the allegation for committing irregularities in the inquest of Banta Ram while posted at PS Mullana vide SP/Ambala's order No. 216-55 dated 3.4.05.

4.11.2002 to Fame regarding public : No specific fame

31.3.2001 Relations behavior with them

Interest in modern ways Takes less of investigation and interest modern police ways.

5.5.2001 to 31.3.2002 1 Honesty Doubtful 2 Moral dare and quickness in bringing into light the misdeeds of subordinates. Normal 3 Fame regarding public relations behavior with them Average 4 Personality and Below average

5 Interest in modern ways of investigation and modern police ways Takes no interest 6 Disposal and investigation ability Below average 7 Practical knowledge about criminal law and procedure Average 8 Incapability if any and whether the same has brought to the notice of concerned official Habitually in keeping the case and investigation pending without any reason which makes his honesty doubtful. Regarding this one sensor motion, a warning and a show cause notice has been issued. 9 Remarks A very irresponsible and negligent officer. During his tenure at Police Station, Sector 2, Panchkula a number of cases and investigations were pending with him. For disposal pending cases and investigations the concerned officers time and again issued written and oral instructions but this official kept with him unnecessarily and took no interest in investigation of the same and did not bothered of the orders of this office and its higher officials. This official is not capable for appointment against any office of responsibility

2. He was awarded a punishment of Censure for not taking action for disposal of the Criminal cases inspite of the directions given by DSP Panchkula while posted at PP, Sector 2, PKL vide SP/PKL's order No. 2174/St dated 27.10.2001,

3. He was awarded a punishment of Censure for not completing case diaries in case FIR No. 323 dt. 9.8.2K u/s 420/406 IC, case FIR No. 371 dt. 8.9.2K u/s 420/406 IPC PS Section 5 and case FIR No. 179 dt. 27.5.2K u/s 408 IPC PS Sector 5 PKL while posted at PP Section 2, PKL inspite of the directions through SHO PS Kalka by ASP PKL vide SP/PKL's order No. 514-17 St dt. 9.3.2002.

2. After considering his reply to the show cause notice and obtaining approval from the Government on 31.1.2006, the petitioner has been retired from service by respondent No. 2.

3. A perusal of the service record of the petitioner would show that integrity and honesty of the petitioner has been considered doubtful for the period commencing from 5.5.2001 to 31.3.2002. Against column No. 8 it has again been observed that he habitually keep the cases pending without any reason which makes his honesty doubtful. He has been regarded as very irresponsible and negligent officer.

4. It is well settled that if an officer earns an entry of doubtful integrity then such an entry alone would be sufficient to retire him compulsorily. The aforementioned issue has been considered by us in detail in the case of Babu Lal v. State of Haryana and Ors. CWP No. 11670 of 2006 decided on 8.8.2006. In that order, we had made detailed reference to the rules applicable to officials like the petitioner and also considered the parameters of public interest as laid down by the Hon'ble Supreme Court in the case of Baikuntha Nath Das and another Vs. Chief District Medical Officer, Baripada and another, . We have also considered the judgements of the Supreme Court in the cases of Union of India Vs. Ajoy Kumar Patnaik, and Jugal Chandra Saikia Vs. State of Assam and Another, . Therefore, this case would not furnish any exception. Accordingly, the writ

petition is liable to be dismissed in limine.

5. For the reasons afore-mentioned this petition fails and the same is dismissed.