

(2016) 02 J&K CK 0025

In the Jammu And Kashmir High Court

Case No : SWP No. 1824 of 2009 and CMP No. 3418 of 2009

Bilal Ahmad Mir

APPELLANT

Vs

State of J&K

RESPONDENT

Date of Decision : 04-02-2016

Acts Referred:

Police Rules, 1960 — Rule 187

Citation : (2016) 2 JKJ 400

Hon'ble Judges : Mr. Muzaffar Hussain Attar, J.

Bench : Single Bench

Advocate : Mr. N.A. Beigh, Advocate, for the Petitioner/Appellant; Mr. B.A. Dar, AAG, for the Respondent/Applicant

Final Decision : Disposed off

Judgement

Mr. Muzaffar Hussain Attar, J. (Oral) - Right to file the reply affidavit stands closed.

2. The impugned order is taken note of :-

â?|DISTRICT POLICE OFFICE, SRINAGAR

Order No. 326 of 2000

Dated: 29-5-2000

Whereas Bilal Ahmad Mir S/o Gh. Mohd Mir R/o Pandch Ganderbal, Srinagar was appointed as constable in District Srinagar Vide DPO Order

No. 894/99 dated 03-08-99 on probation for a period of three years and Reg. No; 4244/S was allotted to him.

Whereas, the said Recruit constable was nominated/deputed to PTS Manigam along with other recruit constables for undergoing Basic training course in the month of 5/2000.

Whereas, he absented himself un-authorisedly w.e.f. 07-05-2000 from PTS Manigam and was reverted back by Principal PTS Manigam for his

un-authorised absence vide his reversion order issued under Endstt. No. Estt/Pts/2000/1505-96 Dated: 11-05-2000 with the recommendation that

he be discharged from the services.

Therefore, by virtue of powers vested in me under Article 126(B) of J&K CSR read with Article 187 of J&K Police Mannual, I Sr.

Superintendent of Police District Srinagar Discharge the recruit constable Bilal Ahmad Mir No. 4244/S from the services w.e.f. 07-05-2000, i.e.

the date he has absented himself from PTS Manigam, as he has not proved himself a good Police official.

Sd/-

(Dr. B. Srinivas)-IPS

Sr. Superintended of Police

Srinagar.

3. The Competent Authority has discharged the petitioner from the services by observing "" as he has not proved a good police official"" The

petitioner could be discharged in terms of Rule 187 of Police Rules on the ground that he is un-likely to prove an efficient police official. The

ground for discharge recorded in impugned order viz ""has not proved himself as good police official"", is stigmatic. Before passing this type of order

it was incumbent upon Competent Authority to grant opportunity of hearing to petitioner. The finding recorded is also not in consonance with Rule

187 of Police Rules.

4. The impugned order on the face of it is stigmatic in nature and thus not sustainable in law.

5. For the above stated reasons, this writ petition along with connected CMP(s) is disposed of in the following manner:

6. By issuance of writ of certiorari, the impugned order No. 326 of 2000 dated 29.05.2000 passed by respondent no. 4 is quashed.

7. Disposed of as above.