

(2020) 01 P&H CK 0107

In the Punjab And Haryana At Chandigarh

Case No : Civil Writ Petition No. 17151 Of 2017

Dev Raj

APPELLANT

Vs

State Of Punjab And Others

RESPONDENT

Date of Decision : 15-01-2020

Acts Referred:

Citation : (2020) 01 P&H CK 0107

Hon'ble Judges : Harsimran Singh Sethi, J

Bench : Single Bench

Advocate : Sonia G. Singh, Mehardeep Singh

Final Decision : Dismissed

Judgement

Harsimran Singh Sethi, J

In the present writ petition, the challenge is to the order dated 20.03.2012 (Annexure P-3), wherein, while deciding the appeal of the petitioner, the authorities have only reduced the punishment of forfeiture of seven years of service to that of two years.

The facts as stated in the writ petition are that the petitioner, alongwith Head Constable Bhagwant Singh, was on duty on 14.12.2009 to escort convict Jagrup Singh from Sangrur to Hoshiarpur, to be produced in the Court. While the petitioner and Head Constable Bhagwant Singh were going back to Sangrur, after producing the convict Jagrup Singh in Court, the said convict managed to escape. For the said incident, an FIR No.290 dated 15.12.2009 was registered against the accused as well as the petitioner and Head Constable Bhagwant Singh.

Apart from the criminal proceedings, petitioner was also proceeded against departmentally with regard to the negligence shown in escorting the convict Jagrup Singh from Sangrur to Hoshiarpur and back. After the inquiry, petitioner was found guilty of the allegations of negligence, punishment of forfeiture of seven years of service was imposed upon the petitioner by the Senior

Superintendent of Police on 07.10.2010. Against the said order dated 07.10.2010, an appeal was preferred by the petitioner before the Deputy Inspector General of Police, Patiala Range, Patiala. The said appeal was dismissed on 27.12.2010. Thereafter, a revision petition was filed by the petitioner before the Inspector General of Police, Zonal-I, Patiala, which was decided vide order dated 14.05.2011. Revisional Authority reduced the punishment imposed upon the petitioner of forfeiture of seven years of service to that of two years. The said order dated 04.05.2011 is under challenge in the present writ petition.

The grievance raised by the petitioner in the present writ petition, is that he and Head Constable Bhagwant Singh were attacked and therefore, negligence cannot be attributed to the petitioner in producing the convict Jagrup Singh from Sangrur to Hoshiarpur, who managed to escape from their custody on the way back to Hoshiarpur. Learned counsel for the petitioner argues that petitioner and Head Constable Bhagwant Singh were not adequately armed to guard the convict and it was only due to the said fact that the convict managed to escape, hence, there was no negligence on the part of the petitioner and therefore, the forfeiture of two years of service is bad.

Learned counsel for the respondents on the other hand defends the order by arguing that laxity was shown by the petitioner while escorting the convict Jagrup Singh from Sangrur to Hoshiarpur and back. Further, learned counsel for the respondents states that petitioner has been held guilty by the inquiry officer for negligence and therefore, the imposition of forfeiture of two years of service is perfectly valid and legal.

I have heard learned counsel for the parties and have gone through the record with their able assistance.

The only ground, which has been raised by the learned counsel by the petitioner to challenge the order dated 20.03.2012 (Annexure P-3), is that petitioner and Head Constable Bhagwant Singh were not adequately armed so as to escort the convict Jagrup Singh from Sangrur to Hoshiarpur and back. If that be so, petitioner should not have undertaken the said journey till he was adequately armed. There is nothing on record to show that the petitioner before proceeding from Sangrur ever demanded adequate arms or more personnel to escort the convict keeping in view the antecedents of the said convict. Further, nothing has been shown to this Court that whether the petitioner and Head Constable Bhagwant Singh were attacked or injured in such a manner that they could not resist the escape of the said convict in any manner. Though, as the petitioner has been acquitted in the criminal case, he might not be in league with the criminal convict in escaping, but the negligence in escorting the convict cannot be ruled out.

Further, the authorities have applied their mind and the Inspector General of Police, vide impugned order dated 20.03.2012 (Annexure P-3) has reduced the punishment of forfeiture of seven years of service to that of two years. Once,

petitioner has been found negligent, he has been imposed the punishment, which is adequate.

No interference is called for by this Court.

Dismissed.