

Sarwan Kumar Vs. State of Haryana and Others

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Court : Punjab and Haryana

Decided On : Dec-20-2012

Appellant : Sarwan Kumar

Respondent : State of Haryana and Others

Judgement :

IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH CM Nos.14731-32-C of 2012 in/and R.S.A.No.3609 of 2012 (O&M) Date of decision: December 20, 2012 Sarwan Kumar .Appellant versus State of Haryana and others .Respondents Coram: Hon'ble Mr.Justice A.N.Jindal Present: Mr.G.S.Brar, Advocate for the appellant.

A.N.Jindal, J (Oral) The suit filed by the plaintiff-appellant for declaration to the effect that the order dated 13.9.2004 passed by the Superintendent of Police, SiRs.imposing penalty of stoppage of two annual increments with permanent effect and the subsequent order 11.11.2005, rejecting his appeal against the said order, are illegal and further for mandatory injunction directing the defendants-respondents to restore his annual increments and to release all other service benefits along with interest @ 18% per annum, was dismissed by the trial court on 9.6.2010.

The fiRs.appellate court also dismissed his appeal on 16.5.2012.

not he is in this regular second appeal.

The argument raised by Mr.Brar, that no opportunity of personal hearing was given to the appellant before passing the order dated 13.9.2004 is devoid of any merits.

The perusal of the impugned order shows that he was given opportunity of personal hearing on 9.9.2004.

The appellant had misconducted the investigation of the criminal case with an ulterior motive to help the accused of that case.

In his report, the allegations were found to be true by the Enquiry Officer, consequently he was indicted and notice to show cause was issued to him, then the impugned order dated 13.9.2004 was passed.

The appeal preferred by the appellant-plaintiff was also rightly rejected by the defendant No.2 vide order dated 11.11.2005.

The appellant-plaintiff has failed to prove on record that the enquiry report was changed or any forgery was committed by the Enquiry Officer.

He has R.S.A.No.3609 of 2012 (O&M) -2- also failed to prove any act of the Enquiry Officer which could prove that he was in any way partial, biased and showed extra interest in holding him guilty in the departmental enquiry.

There were specific allegations against the appellant for helping the accused of the criminal case for extra consideration and not getting opinion of the doctor of PGIMS Rohtak, regarding the nature of injuries of the injured Om Parkash, thus it cannot be said that he was not charge sheeted or not heard for the said negligence.

Both the courts below have returned concurrent findings in favour of the defendants-respondents.

All the issues appear to have been dealt with properly and elaborately after appreciation of evidence in the right perspective.

No substantial question of law arises for determination.

Dismissed.

December 20, 2012 (A.N.Jindal) deepak Judge

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