

(2025) 12 P&H CK 0035

Punjab And Haryana HC

Case No: Civil Writ Petition No. 10480 Of 2017 (O&M)

Kasam Khan

APPELLANT

Vs

State Of Haryana And Others

RESPONDENT

Date of Decision: Dec. 9, 2025

Acts Referred:

- Constitution Of India, 1950-Article 226
- Punjab Police Rules, 1934-Rule 16.28

Hon'ble Judges: Jagmohan Bansal, J

Bench: Single Bench

Advocate: Ankur Kaushik, B.S. Tewatia, Ravi Partap Singh

Final Decision: Allowed

Judgement

Jagmohan Bansal, J

1. The petitioner through instant petition under Article 226 of the Constitution of India is seeking setting aside of :-

- Order dated 24.03.2015 (Annexure P-4) whereby punishment of stoppage of two future annual increments with permanent effect was awarded; and
- Order dated 21.06.2015 (Annexure P-6) whereby his appeal was dismissed.

2. The petitioner joined Haryana Police as Constable on 02.12.1998. In December' 2013, he was posted as Munshi in Police Post, Gadpuri, District Palwal. He came to know that 60 bullet cartridges of 9 mm and 10 cartridges of 303 are missing. He recorded DDE No.7 dated 05.12.2013. The CIA Staff conducted investigation and found that Constable Mahesh Kumar was guilty for missing of aforesaid arms and ammunition.

Mahesh Kumar confessed his guilt. He admitted that he had stolen aforesaid ammunition. A joint departmental inquiry was conducted and petitioner was found innocent. The SP accepted inquiry

report and closed the matter against petitioner. The IGP, Rewari disagreed with the order of SP and issued show cause notice calling upon the petitioner to show cause as to why punishment of dismissal from service should not be imposed. The petitioner filed reply and IGP inflicted punishment of stoppage of two future increments with permanent effect. The petitioner filed appeal before DGP who dismissed his appeal holding that petitioner as MHC has shown negligence towards his duty by not keeping key of rack of arms and ammunition fully secured.

3. Learned State counsel submits that petitioner was guilty of negligence in discharging his official duties, thus, Reviewing Authority rightly reviewed order of Disciplinary Authority and inflicted punishment of forfeiture of two annual increments with permanent effect.

4. From the perusal of the record it is evident that respondent conducted joint inquiry against four police officials. It was found that Constable Mahesh Kumar who was posted at Police Post Gadpuri had confessed his guilt that he had stolen aforesaid arms and ammunition. The Inquiry Officer found the petitioner innocent. The Disciplinary Authority agreed with inquiry report and dropped the charges. IGP, South Range, Rewari in exercise of power conferred by Rule 16.28 of Punjab Police Rules, 1934 (as applicable to State of Haryana) reviewed the matter and passed order of stoppage of two future annual increments with permanent effect. In the show cause notice, punishment of dismissal from service was proposed. The findings recorded by IGP, South Range, Rewari read as :-

*“ During the personal hearing, EHC Kasam Khan No.336/PWL admitted that key of lock upon the rack of Arms & Ammunition of Police Naka Gadpuri being kept by him under his pillow which was stolen by Constable Mahesh Kumar No.1141/PWL who made a duplicate key from it. It was duty of MHC to keep keys well secure in custody and also ensure checking and safety of Arms & Ammunition allotted to Police Naka Gadpuri, specially when an incident has already taken place in recent past. However, he failed to do so. In this manner, he, being a member of disciplined force like police, has shown gross negligency, Irresponsibility, indiscipline and unawareness towards his duty. For this gravest misconduct, I award, the **punishment of stoppage of two future annual increments with permanent effect** to EHC Kasam Khan No.336/PWL.”*

5. From the perusal of above quoted findings, it is evident that there was neither allegation nor findings against the petitioner to the effect that he was guilty of connivance with Mahesh Kumar who had stolen arms and ammunition. The petitioner was possessing key of rack of arms and ammunition of Police Post, Gadpuri. He put said key under his pillow and Mahesh Kumar stole the same. No officer can expect that his colleague would steal key and commit offence like herein. The petitioner was not at fault. He had discharged his duties in accordance with law. He could not be punished on the ground that his colleague has stolen key and thereafter committed alleged offence. Any punishment to petitioner would amount to unwanted and harsh punishment without lapse. He is serving police force for last 27 years. There is no other adverse material against him.

6. In the wake of above discussion and findings, this Court is of the considered opinion that instant petition deserves to be allowed and is accordingly allowed. The impugned orders dated

24.03.2015 and 21.06.2015 are hereby set aside with consequential benefits.