

POLICE ORDER No. 250

SUBJECT—Clarification on the powers of the appellate and the revisionary authorities under P. M. Rules 851 (b) and 853.

It has been laid down under P. M.-Rule 853 that the Governor, the Inspector-General or the Deputy Inspector-General may call for the proceedings in any case, even where no appeal lies, and pass such orders as may deem fit. It was contended by the Advocate of the petitioner in O. J. C No. 347/69 Janardan Kar *Vrs.* State that the I.-G. of Police had no jurisdiction to review the departmental proceedings under P. M. Rule 853 when no appeal against the order of punishment passed by the concerned D. I.-G. had been filed to him. This contention was invalid.

The Hon'ble High Court in their Judgment dated 5th January 1972 in the above noted case decided as follows—

- (1) The revisional authority can exercise his powers under Rule 853 by calling for records and pass such order as he thinks fit in all cases where no appeal is pending or where no appeal lies.
- (2) Even in a case where an appeal has been filed by the delinquent, it is open to the revisional authority to exercise the powers under Rule 853 for enhancement of the punishment after giving him reasonable opportunity to explain.

As per the above decision, the appellate authority under P. M. Rule 851 (b) or the revisional authority under P. M. Rule 853 have jurisdiction to enhance the punishment inflicted by the disciplinary or the appellate authority in suitable cases.