

IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH

Letters Patent Appeal No.1013 of 2015 (O&M)

Date of Decision: July 13, 2015

Sukhwinder Singh

.....Appellant

versus

State of Punjab and others

.....Respondents

CORAM: HON'BLE MR.JUSTICE SURYA KANT.
HON'BLE MR.JUSTICE P.B.BAJANTHRI.

Present: Mr.Anupam Bhardwaj, Advocate, for the appellant.

:-

1. Whether Reporters of Local papers may be allowed to see the judgment?
2. To be referred to the Reporters or not?
3. Whether the judgment should be reported in the Digest?

Surya Kant, J. (Oral)

The appellant assails the order dated 08.05.2015 of the learned Single Judge dismissing his writ petition in which he challenged the order of his dismissal from service as well as the orders passed on his appeal, revision or mercy petitions.

[2] The facts are not in dispute.

[3] The appellant was a Constable in Punjab Police. He was married to Kamaljit Kaur who could not bear a child. The appellant filed a divorce petition for dissolution of marriage but without obtaining such decree, he solemnized another marriage with Amandeep Kaur on 20.06.2001. A departmental enquiry was held, charge was proved and based upon that misconduct, the appellant was dismissed from service vide order dated 11.10.2006. His departmental appeal as well as the revision petition were dismissed in the year 2007. He

thereafter moved a mercy petition to the State Government which was also declined in the year 2009. He then filed second mercy petition in the year 2013 which too was rejected. Thereafter, the writ petition was filed, which the learned Single Judge has dismissed on merits as well as on the ground of delay and laches.

[4] We have heard learned counsel for the appellant who vehemently contends that the appellant was later on granted divorce in the year 2004, i.e., before he was dismissed from service, hence the imposition of gravest punishment was totally unwarranted. He further contends that the second marriage was solemnized after the first wife dissolved the marriage through a 'Panchayati decision'.

[5] We are not impressed by both the contentions. The so called decision taken in the Panchayat by the respectables for dissolution of marriage had no sanctity in the eyes of law. No court can become party to an extra constitutional authority's decision, which was otherwise also directly in the teeth of Hindu Marriage Act, 1955. So far as the dissolution of marriage through a Court decree is concerned, the same was admittedly after the solemnization of second marriage in the year 2001. The allegation thus was proved beyond any pale of doubt.

[6] The question of quantum of punishment has to be ordinarily left to the discretion of the authorities, save in a case where the nature of punishment so awarded pricks the conscious of Court. That is not the case here, as the appellant wanted to get-rid of his first wife only because she could not bear a child.

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[3]

[7] No case thus to interfere with the impugned order
is made out.

[8] Dismissed.

[SURYA KANT]
JUDGE

July 13, 2015
mohinder

[P.B.BAJANTHRI]
JUDGE

CM No.2116 of 2015 in
LPA No.1013 of 2015.

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Sukhwinder Singh vs. State of Punjab and others

Present : Mr.Anupam Bhardwaj, Advocate,
for the applicant-appellant.

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Since the main appeal has been decided on merits, no separate order on this application for condonation of 32 days' delay in filing the appeal is required to be passed.

(SURYA KANT)
JUDGE

July 13, 2015
mohinder

(P.B.BAJANTHRI)
JUDGE