

**IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH**

LPA No.1597 of 2015(O&M)

Date of decision:21.12.2015

Lakhpat Singh

....Appellant

VERSUS

State of Punjab and others

.....Respondents

CORAM: HON'BLE MR. JUSTICE HEMANT GUPTA

HON'BLE MRS. JUSTICE RAJ RAHUL GARG

Present: Mr. Navkiran Singh, Advocate for the appellant.

HEMANT GUPTA, J.(Oral)

The present Letters Patent Appeal under Clause X of the Letters Patent is directed against an order passed by learned Single Bench of this Court on 07.09.2015 whereby the writ petition filed by the appellant challenging the order of dismissal on account of conviction in the criminal case remained unsuccessful.

The appellant was convicted for an offence committed under Section 304-A of the Indian Penal Code when he caused death of Surinder Pal Singh while cleaning his service revolver on 09.10.1992. The appellant was convicted by learned trial Court on 12.09.2011 and the appeal was dismissed on 15.10.2012. As per the appellant, a revision petition is pending against the judgment of conviction before this Court.

On the other hand, the appellant was dismissed by Senior Superintendent of Police, Patiala on 17.04.2013 which order was upheld by the Deputy Inspector General of Police, Patiala Range, Patiala on 16.12.2014 and by the Inspector General of Police, Zonal-1, Punjab, Patiala on 23.04.2015. Learned Single Bench dismissed the writ petition

directed against the orders of dismissal on the ground that the appellant despite being a police officer has acted with grave negligence while on duty and thereby caused loss of life of one person. Consequently, the order of dismissal was not interfered with in the writ petition.

Learned counsel for the appellant contended that it was a case of accidental death, therefore, his previous service should have been taken into consideration. We do not find that such an argument can be permitted to be raised at this stage in the Letters Patent Appeal. The disciplinary authority i.e. Senior Superintendent of Police, the Appellate Authority and the Revisional Authority have considered the contentions of the appellant and maintained the order of dismissal.

Since the authorities have taken a consistent view, we do not find that the appellant can be permitted to dispute the order of dismissal in the Letters Patent Appeal.

In view thereof, the present Letters Patent Appeal is dismissed.

However, we may notice that the revision against his conviction at the instance of the appellant is pending before this Court. It shall be open to the appellant to seek redressal of his grievance, in the event his revision petition is accepted in accordance with law.

(HEMANT GUPTA)
JUDGE

DECEMBER 21, 2015
‘D. Gulati’

(RAJ RAHUL GARG)
JUDGE