

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

**R.S.A. No. 5311 of 2012 (O&M)
Date of decision:- 09.07.2015**

Gurdeep Singh ...Appellant

Versus

State of Punjab and anotherRespondents

CORAM: HON'BLE MS. JUSTICE RITU BAHRI

Present:- Mr. Sanjay Singla, Advocate for
Mr. Rajeshwar Singh, Advocate
for the appellant

1. To be referred to the Reporters or not?
2. Whether the judgment should be reported in the Digest?

RITU BAHRI J. (Oral)

This regular second appeal is directed against the concurrent findings of facts recorded by both the Courts below whereby the suit of the plaintiff-appellant (herein after to be referred as 'the appellant') was dismissed.

The appellants filed a suit for declaration to the effect that order dated 22.03.2000 passed by S.S.P, Amritsar and orders passed by DIG of Police and IGP, Border Ranger, Amritsar are illegal , null and void with mandatory injunction directing the respondents to reinstate the appellant on his service from the date of his dismissal i.e 22.03.2000 with all consequential benefit of service.

The appellant joined the police department as constable on 13.05.1992 at Amritsar. He absented himself from duty since 28.03.1999, without leave or permission from police Lines, Amritsar, where he was posted on duty and on that account, a departmental enquiry was initiated against him under the orders of SSP Amritsar dated 24.06.1999. Inspector Gurmukh Singh was appointed as enquiry officer, who submitted his enquiry report dated 20.10.1999 and SSP Amritsar passed the order of dismissal vide order dated 22.03.2000. Against this order, the appellant filed an appeal before the IGP, Border Range, Amritsar which was also dismissed. The appeal cum mercy petition was also sent to DGP, Punjab Chandigarh but to no effect.

The trial Court dismissed the suit of the appellant, as the appellant did not appear before the Enquiry Officer and this fact was admitted by the appellant while appearing as P.W.1. He admitted the period of his absent from duty without leave or permission from police Lines, Amritsar, where he was posted on duty. He admitted that he received the notices Ex D1 to D3 and despite that he did not appear before the Enquiry Officer. He took a stand that he could not put in appearance before the Enquiry Officer as he was ill but he failed to examine any doctor to prove that he was ill during the period of his absence from duty.

Both the Courts below have returned a finding of fact that the enquiry proceedings were conducted as per the Punjab Police Rules and absent from duty for more than 08 months by the appellant would amount to grave misconduct. The appellant had served the department for 07 years, hence there was no occasion with the authorities to consider the length of service of the appellant, as per rule 16.2 of the Punjab Police Rules.

The judgments passed by both the Courts below, calls for no interference. No substantial question of law arises for adjudication by this Court.

Accordingly, appeal is dismissed.

09.07.2015

G Arora

(**RITU BAHRI**)
JUDGE