

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

105

Regular Second Appeal No.2561 of 2014 (O&M)

Date of Decision: November 18, 2015

Harjit Singh

...Appellant

Versus

Punjab State and others

...Respondents

CORAM: HON'BLE MR. JUSTICE AUGUSTINE GEORGE MASIH

Present: Mr. Balbir Singh Jaswal, Advocate
for the appellant.

AUGUSTINE GEORGE MASIH, J. (ORAL)

Challenge in this appeal is to the judgment and decree passed by the Civil Judge (Junior Division), Amritsar, dated 25.11.2010, by which the suit filed by the appellant-plaintiff for declaration to the effect that order dated 15.06.2004 passed by the Commandant, 9th Battalion P.A.P., Amritsar, dismissing him from service for absence of 55 days and 22 hours without reasonable cause or excuse, thus, causing gross breach of discipline and the order dated 11.12.2004 passed by the Deputy Inspector General of Police, P.A.P. (Admn.), Jalandhar Cantt. and the order dated 07.10.2005 passed by the Inspector General of Police, P.A.P., Jalandhar Cantt. dismissing his appeal and revision respectively, are illegal, null and void, cryptic, arbitrary and unconstitutional, stands dismissed, appeal against which preferred by the appellant-plaintiff before the Additional District Judge, Amritsar, also stands dismissed on 05.10.2013.

2. It is the contention of learned counsel for the appellant-plaintiff that merely because the appellant-plaintiff has absented from service for 55 days can itself not be a grievous act of misconduct, which would require the extreme punishment of dismissal from service. He contends that he could

not join duty because of his and his son's ill health and, therefore, the impugned orders cannot sustain. He contends that the judgments and decree passed by the Courts below, therefore, deserve to be set aside.

3. I have considered the submissions made by learned counsel for the appellant and with his assistance, have gone through the impugned judgments but cannot accept, what has been asserted by him.

4. It is not in dispute that initially the appellant-plaintiff was appointed as a Special Police Officer and he remained as such for a period of five years, thereafter he was allotted constabulary No.27/655 in P.A.P. The judgments also indicate that apart from his absence from duty for 55 days and 22 hours during his 12 years' service with the respondents, he remained absent from duty on 44 occasions, total of which comes to more than 495 days. Nothing has come on record which would indicate that there was violation of any statutory rule in the process of inquiry proceedings, which culminated in the order of dismissal. There being no illegality committed by the respondents in passing the impugned orders, the judgments and decree passed by the Courts below cannot be faulted with.

5. Both the Courts below have returned concurrent findings after properly appreciating the pleadings and the evidence brought on record by both the parties and the same cannot be interfered with as there is no perversity or illegality in the same.

6. No substantial question of law is involved in the present appeal. Therefore, finding no merit in the present appeal, the same stands dismissed.

November 18, 2015
Puneet

(AUGUSTINE GEORGE MASIH)
JUDGE