

IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH

CWP No. 11599 of 2016 (O&M)

Date of Decision: 09.08.2016.

Karan Singh

--Petitioner

Versus

State of Haryana and others

--Respondents

CORAM:- HON'BLE MR.JUSTICE TEJINDER SINGH DHINDSA.

Present:- Mr. K.K. Chahal, Advocate for the petitioner.

TEJINDER SINGH DHINDSA.J

Challenge in the instant petition is to the order dated 10.6.2010 (Annexure P-3), passed by the Punishing Authority, whereby a major penalty of dismissal from service has been imposed upon the petitioner and who was otherwise serving as a Constable in Haryana Police. Such order of dismissal has been affirmed thereafter by the Appellate and Revisional Authorities.

Pleadings on record would indicate that the order of dismissal has been passed on account of a charge of having remained absent from duty for almost 200 days, having been proved against the petitioner.

During the course of hearing today counsel would advert to an order dated 10.6.2010, passed by the Commandant, 1st I.R.B., Bhondsi to submit that for an overlapping period i.e. 15.7.2008 to 31.8.2008 a total absence period of 47 days, a separate order of punishment of stoppage of two annual increments with temporary effect had been passed. Accordingly, it is argued that the impugned order in the instant petition awarding penalty of dismissal from service by taking into reckoning the period w.e.f. 15.7.2008 to 31.8.2008 as well could not have been passed.

However, such ground has neither been pleaded in the petition nor the order dated 10.6.2010 relied upon, has been placed on record.

Faced with such a situation, counsel prays for withdrawal of the present petition with liberty to file a petition afresh on the same cause of action but with better particulars.

Prayer is allowed.

Dismissed as withdrawn with the liberty, as prayed for.

(TEJINDER SINGH DHINDSA)
JUDGE

09.08.2016
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Whether speaking/reasoned: Yes

Whether Reportable: No