

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

Date of decision: 04.03.2016

CWP No.22573 of 2014

Sukhwinder Singh

...Petitioner

Vs.

State of Punjab etc.

...Respondents

CORAM: HON'BLE MR. JUSTICE RAJIV NARAIN RAINA

Present: Mr. Manish Kumar Singla, Advocate, for the petitioner.

Mr. Vaibhav Sharma, DAG, Punjab, for the respondents.

RAJIV NARAIN RAINA, J. (ORAL)

No indulgence can be shown to the petitioner in writ jurisdiction for a dismissed Constable in Punjab police in the facts narrated briefly hereafter. The petitioner while serving the police was transferred from one police station to another, but failed to report for duty on the date and time fixed for the purpose. He vanished into thin air. He did not show up for 318 days, 18 hours & 45 minutes at Police Lines Patiala. On his return, he could not explain his absence by sufficient reasons for not attending work. An inquiry was held in which he was associated and was given opportunity to defend himself; to produce witnesses; to lead evidence and to prove his innocence of willful absence without permission. The charge was proven in the inquiry. He was dismissed from service. His appeal failed and so did the revision petition filed before the higher authority. He tried his luck up to the last by filing a mercy petition, which also did not find favour with the Government and his dismissal

became final. The petitioner has approached this Court against the order of dismissal and wants all the consequential benefits by setting aside the orders passed against him.

At the time of considering punishment, the disciplinary authority in the Police Department took stock of his record of past service and found that he was a habitual absentee who had on numerous counts of misconduct received severe punishment orders which had cumulatively taken away 12 years of his approved service before he disappeared. The petitioner was after all a Constable in Punjab Police and a member of the uniform and disciplined force. The absence under charge-sheet for 318 days is enormous for any reasonable person not to think likewise or approve uncondonable conduct. In the absence of sufficient explanation furnished in the inquiry regarding his absence, a serious doubt is cast on the character of the petitioner, who has been dismissed for complete unfitness to serve the Police Department in the position he held.

Mr. Vaibhav Sharma, learned DAG, Punjab, has produced the record brought by Mr. Lakhbir Singh, Civil Suit Clerk, Office of the Senior Superintendent of Police, Patiala. The inquiry report is at pages 71 to 91 of the record conducted by Inspector Amarpreet Singh, CIA Staff, Nabha and I find therein no palpable flaw in the reasoning adopted to return findings on the issue of misconduct involved in the departmental proceedings. The Senior Superintendent of Police being the punishing authority has considered the report and rightly dismissed the petitioner from service.

I find no reason to disagree with the findings recorded in the inquiry or of the punishment chosen by the disciplinary authority which is reasonable and adequate to the gravamen of the charge. The disciplinary authority not only examined the case in hand, but delved into past record of the

petitioner and found him bearing a poor record of service. In any case, it is not for the writ court to sit in appeal over the findings recorded in a domestic inquiry or interfere with the quantum of punishment, when it is neither unreasonable nor arbitrary nor irrational nor perverse. The principles of natural justice were abided by the Police Department throughout the disciplinary proceedings. No ground warranting interference is made out even by a long shot.

For the foregoing reasons, this petition is found totally devoid of merit and is accordingly dismissed.

[RAJIV NARAIN RAINA]
JUDGE

04.03.2016
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