

IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH

Civil Writ Petition No.9596 of 2016

Date of Decision: May 17, 2016

Paramjit Singh

....Petitioner

versus

Union of India and others

.....Respondents

**CORAM:HON'BLE MR.JUSTICE SURYA KANT.
HON'BLE MR.JUSTICE A.B.CHAUDHARI.**

Present: Mr.Narender Pal Bhardwaj, Advocate for the petitioner.

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1. Whether Reporters of Local papers may be allowed to see the judgment?
2. To be referred to the Reporters or not?
3. Whether the judgment should be reported in the Digest?

Surya Kant, J. (Oral)

The petitioner is aggrieved by the order dated 17.03.2016 whereby the Central Administrative Tribunal, Chandigarh Bench has dismissed his Original Application being hopelessly barred by limitation.

[2] The facts are not in dispute. The petitioner joined Chandigarh Police as a Constable on 20.09.1991. He was involved in a criminal case bearing FIR No.58 dated 28.01.1997, registered at Police Station Chandimandir under Section 364 IPC. He was placed under suspension on 28.02.1997 followed by initiation of departmental action against him. He was served with charge-sheet and his reply having been found unsatisfactory, regular departmental enquiry was conducted under the Punjab Police Rules,

1934, as applicable to U.T. Chandigarh. The Inquiry Officer held the charge including absence from duty to be proved against the petitioner. The enquiry report was accepted by the Disciplinary Authority who dismissed the petitioner from service vide order dated 22.06.2000. Meanwhile, in the criminal trial, the petitioner was convicted and sentenced to undergo RI for seven years by the trial Court on 23/25.08.2001. Against that order, he filed Criminal Appeal No.972-SB of 2001 in this Court which was finally allowed on 30.07.2013 and the petitioner was acquitted giving him the benefit of doubt.

[3] After the above-stated acquittal order, the petitioner represented for his reinstatement in service, but finding no response, he filed the Original Application which the Tribunal has dismissed being barred by limitation.

[4] As may be seen, it is not a case where the petitioner was dismissed from service on the basis of his conduct which led to his conviction on a criminal charge, namely, by invoking the powers conferred under Clause (a) of 2nd proviso to Article 311(2) of the Constitution of India. Rather, it is a case where regular domestic enquiry was conducted on altogether different charge, namely, absence from duty etc. and the charge having been proved, the Disciplinary Authority dismissed the petitioner from service. It is an admitted fact that no departmental appeal etc. was filed by the petitioner. In these circumstances, challenging the dismissal order before the Appellate Authority and ultimately before the Tribunal

after the petitioner's acquittal in the criminal case i.e. in the year 2014-15 has rightly been held by the Tribunal to be time barred.

[5] No case to interfere with the impugned order is thus made out.

[6] Dismissed.

[7] If the petitioner has any claim against non-payment of subsistence allowance during the suspension period, he may approach the appropriate Authority who shall consider such claim in accordance with law.

**[SURYA KANT]
JUDGE**

May 17, 2016
mohinder

**[A.B.CHAUDHARI]
JUDGE**