

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

**CWP No. 27414 of 2016
Date of Decision: 03.03.2017**

Nirmal Singh

...Petitioner

Versus

State of Punjab & Others

...Respondents

CORAM: HON'BLE MS. JUSTICE JAISHREE THAKUR

Present:- Mr. Shailender Sharma, Advocate
for the petitioner.

JAISHREE THAKUR, J.

Challenge in this writ petition is to the termination order passed in 2002 by which the petitioner was dismissed from service.

The petitioner was appointed as SPO in January, 1992 at Police District Khanna and was taken as Auxiliary Constable from amongst the SPOs on 09.10.1992. Thereafter, the petitioner was given appointment in Punjab Police by Senior Superintendent of Police, Khanna and was also issued Constable No. 609/KHN. Services of the petitioner came to be dismissed on account of the fact that his matriculation certificate was not in order. Aggrieved against the termination of his services, the petitioner filed an appeal which was dismissed on 29.03.2003 as also the review petition before the Additional Director General of Police by order dated 04.09.2004. Aggrieved, the instant writ petition has been filed.

Mr. Shailender Sharma, counsel appearing on behalf of the petitioner, argues that at the time of appointment on the post of Constable, the

petitioner has produced his matriculation certificate in which he was having compartment in two subjects, Mathematics and English. It was well within the knowledge of the appointing officer and, therefore, it can not be said that he had obtained appointment on the basis of the false certificate. The petitioner had qualified the other prescribed tests and, therefore, he ought not to have been dismissed from service. In the meantime, he has cleared matriculation examination and should be offered appointment.

I have heard learned counsel for the petitioner and with his assistance have also gone through the record of the case.

By an order dated 04.04.2002, passed by the SSP, Khanna, the petitioner was dismissed from service while holding the post of Constable. In 2001, while checking the records, it was found that the petitioner did not possess the matriculation certificate and thereafter he was asked to submit the same. The petitioner gave in writing that he could not clear his compartment in the subjects of Mathematics and English and after holding a regular enquiry under Rule 16.24 of the Punjab Police Rules, he was found guilty by the Enquiry Officer and, hence, he was dismissed from service. The Inspector General of Police as an Appellate Authority while noting that there was no misconduct on the part of the petitioner and it is the Recruitment Board who, at the time of recruitment, failed to scrutinize his testimonials properly held that the petitioner could not be retained in the Department on account of the fact that he did not have the basic qualification, thereby, upholding the order of dismissal. The review petition too came to be dismissed as far back as 2004.

The instant writ petition has been filed in the year 2016, after a gap of almost twelve years of the review petition having been dismissed and

after a period of almost thirteen years of the appeal having been dismissed. The services of the petitioner were terminated after holding a regular enquiry and due opportunity was given to him therein.

Since the petitioner was admittedly not qualified at that point of time and also there has been an inordinate delay in the filing of this petition, this Court is not inclined to interfere and accordingly the instant writ petition is dismissed.

March 03, 2017
Ansari

(JAISHREE THAKUR)
JUDGE

Whether speaking/reasoned
Whether reportable

Yes/No
Yes/No