

RA-CW-339-2013

IN CWP-9361-2011

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

RA-CW-339-2013

IN CWP-9361-2011

Date of Decision: April 28, 2017

Salwinder Singh

...Non-applicant/petitioner

Versus

State of Punjab & others

...Applicant-respondents

CORAM: HON'BLE MR. JUSTICE AUGUSTINE GEORGE MASIH

Present: Mr. Surjeet Singh Chaudhary, D.A.G., Punjab,
for the applicant-respondents.

None for the non-applicant-petitioner.

AUGUSTINE GEORGE MASIH, J. (Oral):

On the last date of hearing, notice was issued to the non-applicant-petitioner. As per the report of the Registry, service is complete but none has chosen to appear on behalf of the non-applicant-petitioner.

In this review application, respondent-State has, on relying upon the Rule 13.8-A (1) of the Punjab Police Rules, submitted that not only the infliction of any major punishment shall be a bar for admission to or retention in lists A, B and C, but minor punishment such as censure or confinement to quarters could be a reason for removing the name from the above lists. In the present case, since punishment of censure has been imposed upon the petitioner, the order as passed by this Court on 16.01.2013 may be reviewed.

Having considered the submissions made by the counsel for the review applicant-respondents, the said contention appears to be correct

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when Rule 13.8-A (1) is seen, which is reproduced as follows:-

“13.8-A (1) The infliction of any major punishment shall be a bar to admission to or retention in lists A, B and C, provided that (a) for special reasons to be recorded by the Superintendent in each case, and subject to confirmation by the Deputy Inspector General, this disqualification may be waived and (b) after six months’ continuous good conduct in the case of censure or confinement to quarters or on expiry of the period of reduction in the case of reduction for a specified period, a constable may be re-admitted at the discretion of the Superintendent.”

A perusal of the above would indicate that not only on the basis of a major punishment being inflicted would be a bar for admission to or retention in lists A, B and C of the name but even minor punishment such as censure or confinement to quarters could be good enough for removal of the name of an official from any of the above referred to lists. Since the punishment of censure had been imposed upon the petitioner by the respondents, the said order cannot be said to be bad in toto, however, direction is issued to the Superintendent of Police, to consider the claim of the petitioner for inclusion of his name in list on expiry of the period of six months from the date of award of punishment.

With the above observation, the present review application is allowed to the above extent and the same stands disposed of.

April 28, 2017

Harish

**(AUGUSTINE GEORGE MASIH)
JUDGE**

**Whether speaking/reasoned:
Whether Reportable:**

**Yes/No
Yes/No**