

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

CWP No.1814 of 2015.

Date of Decision: 02.05.2018.

Paramjit Singh

... Petitioner

Versus

State of Punjab and others

... Respondents

CORAM : Hon'ble Mr. Justice Jitendra Chauhan

Present : Mr. H.S. Baath, Advocate,
for the petitioner.

Mr. Amit Mehta, Sr. DAG Punjab.

JITENDRA CHAUHAN.J.

Through the instant civil writ petition, the petitioner seeks quashing of order dated 05.12.2002 (Annexure P-3) passed by respondent No.5 whereby the petitioner was dismissed from service; order dated 16.08.2005 (Annexure P-4) passed by respondent No.4 whereby the appeal filed by the petitioner was rejected; order dated 12.02.2008 (Annexure P-5) passed by respondent No.3 whereby intimation was sent to DIG regarding dismissal of appeal; order dated 26.12.2012 (Annexure P-6) passed by respondent No.1 whereby the mercy appeal filed by the petitioner was dismissed and; order dated 30.07.2014 (Annexure P-7) passed by respondent No.2 whereby intimation was sent to the Commissioner of Police regarding dismissal of mercy appeal.

The petitioner was inducted as Constable on

10.10.1977. Thereafter, the petitioner was promoted as Head Constable and was further as Assistant Sub-Inspector. During the service, the petitioner earned various Commendation Certificates in recognition of his services rendered towards the department. During the entire service tenure, there was no complaint against the conduct of the petitioner. The petitioner was directed to join his duties at Police Station, Mohali. However, the petitioner could not join his duty on 30.6.2000 and remained absent from duty till 23.03.2001 and ultimately, joined his duties on 24.03.2001 after a gap of 8 months and 24 days. Thereafter, an enquiry was held against the petitioner. Vide order dated 05.12.2002 (Annexure P-3), the petitioner was dismissed from service. The petitioner filed an appeal before Deputy Inspector General of Police, Border Range, Amritsar which was dismissed vide order dated 16.08.2005 (Annexure P-4). Thereafter, the petitioner filed a mercy appeal which was rejected vide order dated 21.12.2012 (Annexure P-6).

It is contended by the learned counsel for the petitioner that the petitioner has rendered unblemished service of 25 years. The petitioner has been awarded various commendation certificates by the respondents-department. Due to snakebite, the petitioner could not join his duties on 30.06.2000. Lastly, it has been prayed that while taking a lenient view in the matter, the order of dismissal may kindly be set aside.

On the other hand, the defence taken by the

respondents-department is that the petitioner is a habitual absentee. He remained absent from his duties for 8 months and 24 days. Prior thereto, he remained absent for a total period of 1243 days. In this regard, the respondents have produced a chart which reads as under:-

Sr. No.	Absent period	Punishment
1	27.10.1988 to 04.11.1988	Awarded punishment of Censure on 30.07.1990
2.	19.06.1995 to 20.06.1995 and 02.07.1995 to 03.07.1995	Awarded punishment of Censure on 17.11.1995
3.	27.03.1996 to 10.04.1996, 30.4.1996 to 02.05.1996 and 25.06.1996 to 28.06.1996	Awarded punishment of forfeiture of one year approved service with permanent effect.
4.	14.12.1995 to 15.12.1995	Awarded punishment of censure 14.10.1996
5.	23.03.1997 to 05.03.1998	Awarded punishment of forfeiture of one year approved service with permanent effect.
6.	29.06.1998 to 17.11.1998	Dismissed from service on 08.03.1999 but later on re-instated and reverted from the rank of ASI to HC.
7.	02.1.1999 to 09.1.1999	Awarded punishment of forfeiture of one year approved service with permanent effect.
8.	24.01.1999 to 10.3.1999	Awarded punishment of forfeiture of one year approved service with permanent effect.
9.	10.10.1999 to 03.02.2000	Awarded punishment of forfeiture of three years approved service with permanent effect. Reduction of three annual increments
10.	30.06.2000 to 24.03.2001	Dismissed from service on 05.12.2002.

Heard.

It is to be noticed that the petitioner seeks setting aside of order whereby he was dismissed from his service on account of long absence of 8 months and 24 days. The petitioner has not put-forth any cogent or plausible evidence to explain his absence. Mere plea of

snakebite in the absence of any evidence cannot be accepted and the same is hereby rejected. Even otherwise, the previous service record of the petitioner, as noticed above, also goes a long way to prove that the petitioner is a habitual defaulter. The petitioner being a member of disciplined force has conducted himself in a gross indisciplined manner. Therefore, the conduct of the petitioner being deplorable cannot be accepted. In this view of the matter, this Court finds that the orders impugned herein have been rightly passed by the authorities. Consequently, the present writ petition is dismissed.

02.05.2018.
SN

(JITENDRA CHAUHAN)
JUDGE

Whether speaking/reasoned :	Yes/No
Whether reportable :	Yes/No