

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

**CWP No. 15970 of 2017
DECIDED ON: FEBRUARY 22, 2018**

JOGINDER SINGH

.....PETITIONER

VERSUS

STATE OF PUNJAB AND OTHERS

.....RESPONDENTS

CORAM: HON'BLE MR. JUSTICE JASPAL SINGH

Present: Mr. Nand Lal Sammi, Advocate,
for the petitioner.

JASPAL SINGH, J (ORAL)

Petitioner preferred instant writ petition, under Articles 226/227 of the Constitution of India, seeking issuance of an appropriate writ, direction or order in the nature of certiorari to quash the impugned order dated 27.01.2017 (P-2) whereby, respondent No.2 has denied to proceed with his pension case and as such the gratuity, pension are withheld by respondents as well as for issuance of a writ in the nature of Mandamus, directing the respondents to release all the retiral benefits accrued to him on account of his retirement.

2. Undisputably, petitioner was enrolled as Constable in the Police

Department on 02.11.1976 and was promoted from time to time. However, while he was posted at Ludhiana, a criminal case bearing FIR No. 48, dated 09.06.2000, under Sections 302, 307, 364, 148, 149 and 120-B IPC was registered against the petitioner at Police Station Ahmedgarh, District Sangrur. The said case was tried and ultimately, he was convicted and sentenced to undergo Imprisonment for life with fine to the tune of ₹5000/- and in case of non deposit of fine to further undergo RI for a period of one year. Thereafter, on account of conviction and sentence punishing authority i.e. Senior Superintendent of Police, Ludhiana after considering all the aspects under the provisions of Police Act, 1961, under Section 7 of Punjab Police Rule 16.1 and under Article 311 (ii) (b) of the Constitution of India dismissed the petitioner from service vide order dated 28.10.2015 (AN).

3. Here, it would be pertinent to mention that the afore-said order dated 28.10.2015 was never challenged by the petitioner either by way of departmental appeal or before the Civil Court or by availing the remedy under the writ jurisdiction, except through an appeal preferred after 11 years before the Inspector General of Police, Ludhiana Range, Ludhiana who while considering the entire case of the petitioner but keeping in view the fact that an appeal has been filed after a gap of 11 years, which is hopelessly time barred, the same was dismissed vide impugned order dated 27.01.2017 (P-2). Petitioner has only filed the instant petition against the order dated 27.01.2017 (P-2). Even, the order dated 28.10.2015 whereby, petitioner was dismissed from service has not been challenged. There is no explanation as to why the petitioner remained tight lipped for a period of more than one decade before

preferring an appeal before the Inspector General of Police, Ludhiana Range, Ludhiana.

4. Otherwise also, petitioner stands convicted and sentenced vide judgment dated 21.10.2005. He has undergone the entire sentence imposed upon him, meaning thereby, either did not challenge his conviction and sentence awarded vide judgment of conviction and sentence dated 21.10.2005 or an appeal if any filed, stood dismissed. Moreover, petitioner has not challenged the order dated 28.10.2015 through the instant petition or further that an appeal before the appellate authority i.e. Inspector General of Police was filed after the expiry of a period of more than one decade, for which there is no explanation what to say any plausible explanation.

5. In the light of what has been discussed this Court does not find any merit in the instant petition. As such, the same is dismissed.

FEBRUARY 22, 2018

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**(JASPAL SINGH)
JUDGE**

Whether speaking/reasoned

Yes

Whether reportable

Yes/No