

IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

LPA No.2008 of 2017 (O&M)

Date of decision:12.10.2018

Satbir Singh

... Appellant

Vs.

Director General of Police, Haryana and others ... Respondents

**CORAM: HON'BLE MR. JUSTICE MAHESH GROVER
HON'BLE MR. JUSTICE AMIT RAWAL**

Present:- Mr. B.S.Bedi, Advocate
for the appellant.

Ms. Kirti Singh, Deputy Advocate General, Haryana.

Mahesh Grover J. (Oral)

This appeal is directed against the judgment of the learned Single Judge dated 08.05.2017. The appellant faced disciplinary proceedings to be dismissed from the service on 28.07.1999. The appeal and revision against the said order met a similar fate.

The appellant was working as a Constable with the Haryana Police and sent on deputation as an Instructor in the Police Training College, Madhuban. He was repatriated and directed to report to the office of Superintendent of Police, Panipat with immediate effect but on the same very day, he absented himself although later on he submitted an application for leave on the premise that he was having pain in the eye and had to take rest. The leave application was submitted for a period of 10 days. Thereafter

from time to time, the petitioner sought extension of leave upto 03.03.1998 and then submitted an application for regulating the leave period.

The official respondent, who had not sanctioned the leave issued a show cause notice to him for absence from the duty and disobeying the order of the repatriation dated 22.01.1998. The petitioner then rejoined the services on 03.04.1998. The enquiry was conducted after the charge-sheet was served upon the petitioner on 21.12.1998. The enquiry officer after associating the petitioner submitted the report indicting him. Thereafter, show cause notice issued to him on 27.04.1999 and after considering the entire matter, the appellant was dismissed from the service on 28.07.1999, vide Annexure P-9 which is the order that he impugned in the writ proceedings. The learned Single Judge noticed the entire conduct of the appellant and his long absence to uphold the order of dismissal vide impugned judgment dated 08.05.2017.

Before us, learned counsel for the appellant has contended that he had unblemished service record from 1989 till 1998 which has not been considered by the appellate authority while dismissing him from the service. It was also argued that appellant is an ex-serviceman and this fact should have been sufficient for lessor punishment.

We have also noticed from the record as well as from the impugned judgment that during the period of his un-authorised absence, the appellant also filed a civil suit challenging his order of repatriation dated 22.01.1998 which was however withdrawn with liberty to file a writ petition. This was never done, instead the appellant faced disciplinary

proceedings with the aforementioned result of dismissal.

We have perused the charge-sheet and it clearly mentions that the appellant was relieved at 8.00 a.m on 22.01.1998 but he did not join the place of his transfer and reported back to the place of transfer on 03.04.1998. The charge was specific that from 22.01.1998 till 03.04.1998, the appellant absented himself from service and did not join the place of posting thereby displaying negligence and indiscipline. There was thus specific charge of indiscipline, rather insubordination as the appellant chose to defy the order of repatriation which is also evident from the fact that he filed a civil suit. His plea that he was suffering from Hepatitis-C also does not inspire confidence as he initially said that he was suffering from the pain in the eye.

Be that as it may, the appellant has not questioned the findings of the enquiry and the only plea that he takes before us is of the order being harsh and the punishment excessive. To our minds, the Court should not substitute its opinion in place of that formulated by the disciplinary authority. The appellant has been unable to show any violation or arbitrariness in the process leading to the order of dismissal. So much so that even the enquiry proceedings have not been questioned. Insubordination or indiscipline in the uniformed forces is a serious offence and since the appellant displayed trait by his conduct, it was duly taken note of by the respondents.

We are of the opinion that order of the dismissal as upheld by the learned Single Judge does not warrant any interference.

The appeal is dismissed.

(Mahesh Grover)
Judge

(Amit Rawal)
Judge

12.10.2018
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Whether Speaking/Reasoned	Yes/No
Whether Reportable	Yes/No