

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

RSA 2340/2017

Date of decision:29.08.2018

Ex.Constable Harpal Singh

.....Petitioner

v.

State of Punjab and others

.....Respondents

Coram: Hon'ble Mr.Justice Jaswant Singh

Present:- Mr.GS Sandhu,Advocate for the appelllant.

Jaswant Singh,J,(Oral).

Plaintiff is in second appeal against concurrent findings recorded by both the Courts below whereby his suit for declaration and permanent injunction was dismissed by Civil Judge (Junior Division) Faridkot vide judgment and decree dated 16.2.2016 and findings affirmed in appeal by District Judge,Faridkot vide judgment and decree dated 29.11.2006.

Facts leading to filing of the instant appeal are that plaintiff was serving as a Constable in the Punjab Police when he was dismissed from service for having remained absent w.e.f. 16.10.2001 till his dismissal. Against the alleged un-communicated punishment order, plaintiff filed and appeal which was dismissed by the Appellate Authority vide order dated 22.8.2006 and finally the mercy petition was also dismissed vide order dated 13.2.2014. The suit challenging the punishment/appellate/revisional order was dismissed by trial court and findings thereof affirmed in appeal as noticed above.

Heard learned counsel for the plaintiff and perused the

impugned judgments and decrees.

The sole argument raised by the learned counsel for the appellant is that the enquiry was not held in accordance with law and was against the principles of natural justice.

It has been found by both the Courts below that intimations with regard to absence of the plaintiff from duty stood communicated to him through his wife vide Ex.D5 and through his father vide Ex.D6 but despite service plaintiff did not join enquiry proceedings and was proceeded against ex parte. As regards the punishment order, it has been found by the Courts below that the same was well speaking and reasoned order against which plaintiff had filed appeal and mercy petition which were dismissed by the competent authorities. The plea taken by the plaintiff that he remained absent due to his illness has rightly been rejected by the Courts below as the plaintiff did not lead any evidence with regard to his said ailment. It has further been noticed that on earlier occasions also plaintiff remained absent from 8.6.2001 to 26.6.2001 for which his whole year's service was forfeited. Thereafter petitioner had remained absent from 16.10.2001 till his dismissal on 26.7.2002.

In view of the concurrent findings and reasons recorded by both the Courts below, no question of law much less substantial question of law arises for consideration in this appeal.

Dismissed.

29.08.2018
joshi

(Jaswant Singh)
Judge

Whether Speaking/reasoned	Yes/No
Whether Reportable	Yes/No