

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

CWP No. 2851 of 2019

Date of decision : 01.02.2019

Joginder Singh @ Joginder Pal

...Petitioner

V/s

State of Punjab & ors.

....Respondents

BEFORE : HON'BLE MR. JUSTICE RAJAN GUPTA

Present: Mr. Sandeep Arora, Advocate for the petitioner.

RAJAN GUPTA J.

Petitioner has prayed for a writ in the nature of certiorari for quashing order dated 30.04.2008 (Annexure P-2) passed by SSP, Ludhiana city as well as order dated 19.04.2011 (Annexure P-4) passed by Director General of Police, Punjab dispensing with service of the petitioner on account of his absence. It has been urged before the court that absence of the petitioner was unintentional. He also filed a mercy petition. Same has not been considered. Thus, a direction needs to be issued to the respondents. I am not convinced with the pleas raised. Petitioner is not a member of regular cadre. He remained absent for three months. As a result, Senior Superintendent of Police, Ludhiana passed order, operative part whereof reads as under:-

“S.P.O. Joginder Singh No. 51/C Ludhiana was posted as Police Lines, Ludhiana and from 23.06.2007 vide Rapat No. 55 you had been continuously remained absent despite the fact that you are serving under the Police Department and you have failed to come present despite the orders and have failed to discharge your duties while remained absent thereby committed serious violations of the Police Rules, therefore, it is

hereby ordered that after getting the notice you should immediately come present for the purpose of performing. In case you will not come present, in that eventuality department would be liable to initiate appropriate departmental enquiry.”

This court finds no infirmity with the aforesaid order. Petitioner even preferred an appeal against the same which was dismissed by Director General of Police way-back in the year 2011. There is no provision for filing a mercy petition on behalf of an employee. Petition is without any merit and is hereby dismissed.

February 01, 2019

Ajay

(RAJAN GUPTA)
JUDGE

Whether speaking/reasoned:

Yes/No

Whether reportable:

Yes/No