

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

CWP-12941-2015 (O&M)
Date of decision : 16.01.2019

Boota Singh

...Petitioner(s)

Versus

Director General of Police, Punjab and others

...Respondent(s)

CORAM: HON'BLE MR. JUSTICE JITENDRA CHAUHAN

Present: Mr. Rajesh Gupta, Advocate,
for the petitioner(s).

Mr. Navdeep Chhabra, DAG, Punjab.

JITENDRA CHAUHAN, J. (Oral)

By way of the instant writ petition filed under Articles 226/227 of the Constitution of India, the petitioner, *inter alia*, seeks issuance of a writ of Certiorari quashing the order dated 07.02.2013 (Annexure P-1) passed by respondent No.4, whereby, he was dismissed from service; order dated 14.11.2013 (Annexure P-2) passed by respondent No.3, whereby, the appeal preferred by the petitioner was rejected; and order dated 03.02.2014 (Annexure P-4), passed by respondent No.2, vide which the revision petition was also declined.

It is the case of the petitioner that he joined the Police Department on 06.05.1994 as Constable. Thereafter, permanent transfer of the petitioner was ordered by respondent No.2 vide order dated 27.02.2012 from 3rd IRB Ludhiana to 6th IRB Ladda Kothi, Sangrur along with casual leave of 2 days. However, he remained absent from duty for 24 days and joined the new place of posting on 15.09.2012. The petitioner was declared

absent from the date and time of his departure and vide impugned order (Annexure P-1), he was dismissed from service.

It is contended that the absence from duty was on account of the illness of the petitioner. There being no other male member in the family, the petitioner could not inform the department about his illness. During inquiry proceedings, the treating doctor was examined who supported the case of the petitioner, however, his statement was not taken into consideration.

On the other hand, learned State counsel submits that the petitioner is a habitual absentee and has absented himself from duty without sanctioned leave on forty four occasions during the period from 1995 to 2012. This time also, the petitioner absented himself from duty for 24 days. The impugned orders have been passed after following due procedure and affording sufficient opportunity of hearing to the petitioner to defend his case.

Heard.

It is to be noticed that the petitioner has sought to explain his absence from duty for 24 days on the ground of his illness. However, there is nothing on record to substantiate the assertion. The statement of the treating doctor was also found to be unreliable as the same was not supported by any medical record. The authorities have followed the due procedure prescribed under the service rules governing the petitioner.

The petitioner being a member of the disciplinary force, was expected to conduct himself in a disciplined manner. To the contrary, he proved himself to be indisciplined, incorrigible and irresponsible and thus,

his conduct is clearly unbecoming of a member of a disciplined force. It has come on record that earlier also, the petitioner absented himself from duty without sanctioned leave on forty four occasions and various punishments were inflicted upon him several times including forfeiture of service with permanent effect. The chart containing the absence stands reflected in para No.2 of the reply, which is reproduced as under:-

Sr. No.	Period of absence	Total days	Punishment
1)	02-10-1995 to 04-10-95	03	Non duty period
2)	25-06-1996 to 03-07-96	09	Non duty period
3)	05-07-1996 to 07-07-96	02	Non duty period
4)	23-10-1996 to 26-10-96	03	Non duty period
5)	12-03-1997 to 20-03-97	09	Non duty period
6)	18-04-1997 to 14-06-97	58	Forfeiture of 1 year service with permanent effect and Non duty period
7)	14-10-1997 to 22-12-97	69	Forfeiture of 2 years service with permanent effect and Non duty period
8)	22-04-1998 to 02-05-98	10	Non duty period
9)	06-08-1998 to 13-08-98	07	Non duty period
10)	23-09-1998 to 06-10-98	14	Non duty period
11)	17-12-1998 to 25-12-98	08	Non duty period
12)	10-02-1999 to 16-02-99	07	Non duty period
13)	20-03-1999 to 04-04-99	16	Non duty period
14)	13-07-1999 to 03-08-99	21	Forfeiture of 1 year service with permanent effect and Non duty period
15)	10-08-1999 to 07-09-99	29	Forfeiture of 1 year service with permanent effect and Non duty period
16)	01-10-1999 to 10-12-99	70	Forfeiture of 3 years service with permanent effect and Non duty period
17)	05-02-2000 to 07-02-2k	02	Non duty period
18)	10-07-2000 to 12-07-2k	03	Non duty period
19)	01-08-2000 to 11-09-2k	41	Forfeiture of 1 year service with permanent effect and Non duty period
20)	26-03-2001 to 30-03-01	04	Non duty period
21)	24-09-2001 to 27-09-01	03	Non duty period
22)	13-10-2001 to 17-10-01	04	Non duty period
23)	23-01-2002 to 26-01-02	03	Non duty period
24)	27-02-2002 to 01-03-02	02	Non duty period

25)	15-04-2002 to 18-04-02	03	Non duty period
26)	01-08-2002 to 11-09-02	41	Non duty period
27)	19-10-2002 to 20-10-02	02	Non duty period
28)	11-08-2003 to 20-08-03	10	Non duty period
29)	27-08-2003 to 06-09-03	10	Non duty period
30)	07-01-2004 to 10-01-04	03	Non duty period
31)	02-08-2004 to 08-08-04	06	Non duty period
32)	06-11-2004 to 27-11-04	21	Non duty period
33)	02-01-2005 to 02-03-05	60	Forfeiture of 5 years service with permanent effect and Non duty period
34)	02-04-2005 to 04-04-05	02	Non duty period
35)	02-05-2005 to 13-07-05	54	Forfeiture of 4 years service with permanent effect and Non duty period
36)	21-11-2005 to 01-12-05	10	Forfeiture of 1 year service with permanent effect and Non duty period
37)	21-12-2005 to 23-12-05	03	Non duty period
38)	07-01-2006 to 20-01-06	14	Forfeiture of 1 year service with permanent effect and Non duty period
39)	28-02-2006 to 09-03-06	09	Non duty period
40)	21-05-2006 to 05-07-2006	44	Non duty period
41)	22-10-2006 to 30-10-06	09	Non duty period
42)	12-12-2008 to 16-05-08	04	Non duty period
43)	19-02-2009 to 24-02-09	05	Non duty period
44)	25-08-2012 to 15-09-12	24	Non duty period

In ***Karnail Singh Vs. The State of Punjab, 1993(4) S.C.T 770***

(P&H) (DB), this Court has held as under:-

“7. The police service is a disciplined service and it requires to maintain strict discipline. Laxity in this behalf erodes discipline in the service causing serious effects in the maintenance of law and order. The interpretation placed by the learned Single Judge in Chanan Singh case on Rule 16.2(1) of the Rules has not been approved by the apex Court in Ram Singh case (supra). Resultantly, with respect to the learned Single Judge, we have no option but to overrule the same.

The petitioner habitually remained absent

from duty. He did not reform himself. The record which has been alluded to by the appellate authority reveals that on previous occasions too the petitioner was awarded punishment on eight different occasions for remaining absent from duty. His absence from duty continuously for 5 months and 5 days was not an isolated Act. There had been repeated acts of remaining absent from duty for which he had been awarded punishment and the past record was taken into account while awarding punishment of dismissal from service. On the facts of the instant case, we do not find that the action of the respondents suffers from any infirmity.

For the reasons stated above, the writ petition fails and is dismissed, but with no order as to costs.”

In view of the above, this Court is of the opinion that the punishment awarded is commensurate with the misconduct of the petitioner and there is no ground to interfere in the well reasoned impugned orders passed by the respondent-authorities.

Accordingly, there being no merit in the present case, the same is, hereby, dismissed.

16.01.2019
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(JITENDRA CHAUHAN)
JUDGE

Whether speaking / reasoned : Yes No

Whether Reportable : Yes No