

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

CWP No.31211 of 2018 (O&M)
Date of decision: April 25, 2019

Gurcharan Singh

...Petitioner

Versus

State of Punjab and others

...Respondents

CORAM: HON'BLE MR. JUSTICE RAJAN GUPTA

Present: Mr. Manish Prabhakar, Advocate for the petitioner.

Rajan Gupta, J.(oral)

Petitioner has sought a writ in the nature of certiorari for quashing the orders, whereby his three increments for three years have been forfeited permanently and period of his absence from 14.10.2006 to 23.12.2006 has been treated as non-duty period.

Petitioner joined as SPO in the year 1995. As per him, he was regularized in the year 2000. In October, 2006 he was deputed to guard 220 KV Power House at Sarna, but he did not report there. He was charge-sheeted and an enquiry was instituted. The disciplinary authority considered the enquiry report and found that the official was guilty of indiscipline. It is noteworthy that his six annual increments had been permanently forfeited earlier, as he did not report for election duty. Surprisingly however, the disciplinary authority i.e. Commandant of the 9th Battalion, P.A.P. Amritsar still took a lenient view and imposed penalty as under:-

“The three future increments of 3 years service are forfeited permanently and period of absence is treated as non-duty period from 14.10.2006 to 23.12.2006 total 69 days 22 hours and 55 minutes, hence 70 days of service is treated as non-duty period.”

Petitioner filed appeal against the aforesaid order before Deputy Inspector General of Police, P.A.P., Jalandhar Cantt. He, however, rejected the appeal. Petitioner unsuccessfully impugned the order before the Inspector General of Police, P.A.P. Jalandhar. After inordinate delay, petitioner also filed some mercy petition before the Director General of Police, P.A.P., Punjab Armed Police Forces. Same was also rejected.

It has been urged before the court that the act of the petitioner does not amount to gravest misconduct within the meaning of Punjab Police Rules and thus, impugned order needs to be set-aside. He has placed reliance on judgment reported as *The State of Punjab Vs. Parkash Chand, 1992 (1) S.C.T. 123*.

I find no merit in the plea. The petitioner was deputed to guard 220 K.V. Power Station, but he did not report and remained absent for considerable period. From the records it appears that earlier also he did not report for election duty and remained absent for several days. In my considered view, such an official is not fit to be retained in the armed police, where maintaining high standards of discipline is a prerequisite. Yet the authorities appeared to have taken a lenient view. Reasons therefor are not clear. Judgment in *Parkash Chand's case* (supra) is not applicable to the facts of the instant case. There is no merit in the petition. Same is hereby dismissed.

April 25, 2019
'Rajpal'

(RAJAN GUPTA)
JUDGE

Whether speaking / reasoned

Yes / No

Whether Reportable:

Yes / No