

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

223

CWP-21048-2016

Date of decision: 03.03.2020

Harjit Singh

.....Petitioner

versus

State of Punjab and others

....Respondents

CORAM: Hon'ble Mr. Justice Girish Agnihotri

Present: Mr. P.S. Thiara, Advocate
for the petitioner.

Mr. Rajesh Bhardwaj, Sr. DAG, Punjab.

GIRISH AGNIHOTRI, J. (Oral)

Petitioner-Harjit Singh has filed the present writ petition *inter alia* with a prayer to quash the order dated 27.01.2003 (Annexure P-2), vide which the petitioner was dismissed from service and the appeal and revision against the same, was also dismissed.

Notice of motion in this case was issued on 06.10.2016.

Reply dated 25.11.2016 has been filed by Manjit Kaur, PPS Deputy Superintendent of Police, 80th Battalion, PAP Jalandhar Cantt, on behalf of respondents No.1 to 4.

In the said reply, it has been submitted that the petitioner had joined the department on 09.04.1999 as temporary Constable. It has been further stated that work of the petitioner was not satisfactory towards his Seniors as such he was awarded various punishments. The punishments

have been broadly mentioned in Para-1 of the preliminary objections of the reply, which are reproduced hereunder:-

“1. That the petitioner had joined the department on 09.04.1999 as temporarily Constable and allotted regimental number 36/222. The work and conduct of the petitioner was not satisfactory towards his Seniors Officers as such he was awarded the following punishment by the Commandant, 36th Battalion, PAP, Bahadurgarh, Patiala during the short spun of service as per detail given below:-

- i) Awarded the punishment of censure and absent period 03 days 19 hrs. 45 min. treated as non duty period vide order No.17439-42/Steno, dated 20.09.1999.*
- ii) Awarded the punishment of censure and absent period 02 days 13 hrs. treated as non duty period vide order No.785-88/Steno, dated 12-01-2000.*
- iii) Awarded the punishment of censure and absent period 01 days 13 hrs. treated as non duty period vide order No.7202-05/Steno, dated 31-03-2000.*
- iv) Awarded the punishment of censure and absent period 03 days 15 hrs. treated as non duty period vide order No.7195-98/Steno, dated 31-03-2000.*

Thereafter, he was transferred from 36th Battalion, PAP, Bahadurgarh, Patiala to 80th Battalion, PAP, Jalandhar Cantt vide Deputy Inspector General of Police, Administration, PAP, Jalandhar Canntt's office order No.3163-64/CB-PC, dated 04-03-2000 and he was allotted Regimental No.80/634. During the posting in the 80th Battalion, PAP, Jalandhar Cantt he was awarded the following punishments:-

- i) Awarded the punishment of two years approved service has been forfeited with permanent effect and absent period 98 days treated as non duty period in the result of departmental enquiry conducted against him vide this office order No.26470-74/ST, dated 21-11-2000.*

- ii) Awarded the punishment of three years approved service has been forfeited with permanent effect and absent period 106 days treated as non duty period vide this office order No.9401-05/ST, dated 09-05-2001 in the result of departmental enquiry conducted against him.*
- iii) Awarded the punishment of 18 hours 15 minutes treated as non duty period vide O.B. No.729/2001.*
- iv) Awarded the punishment of three years approved service has been forfeited with permanent effect and absent period 119 days treated as non duty period vide this office order No.23598-602/ST, dated 20-11-2001 in the result of departmental enquiry conducted against him.*
- v) Awarded the punishment of 11 days 23 hrs 15 min. treated as non duty period vide O.B. No.764/2001.*
- vi) Awarded the punishment of two years approved service has been forfeited with permanent effect and absent period 88 days treated as non duty period vide this office order No.12655-59/ST, dated 07-05-2002 in the result of departmental enquiry conducted against him.*
- vii) Awarded the punishment of one year approved service has been forfeited with permanent effect and absent period 32 days treated as non duty period vide this office order No.31700-05/ST, dated 17-10-2002 in the result of departmental enquiry conducted against him.*
- viii) One departmental enquiry kept pending vide this office order No.3146-48/ST, dated 05-02-2003 because he had been already dismissed which is challenged by the petitioner in the present CWP in hands.”*

It has been further stated that in a departmental enquiry which was initiated against him on 01.08.2002, he has been found guilty and accordingly, punishment of dismissal was imposed. The rules governing punishment and appeal have not been violated. The petitioner was given due opportunity to represent his case in the departmental enquiry and after

enquiry, punishment order has been passed.

This Court finds no merit in the writ petition and accordingly the same is dismissed.

(GIRISH AGNIHOTRI)
JUDGE

03.03.2020
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Whether speaking/ reasoned:	Yes/No
Whether Reportable:	Yes/No