

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

RSA No.764 of 2018 (O&M)

Date of Decision:29.1.2020

Gurbax Raj

... Petitioner

Versus

State of Punjab and others

... Respondents

CORAM:- HON'BLE MR. JUSTICE RAJIV NARAIN RAINA

Present: Mr.Sunil Agnihotri, Advocate for the appellant

RAJIV NARAIN RAINA, J. (Oral)

1. The appellant was a Constable in the 75th Batallion, PAP, Jalandhar. He was dismissed from service in August, 1990 following conviction under Sections 304-B, 498-A read with Section 34 of the IPC in FIR No.57 dated 16.6.1989 registered at P.S. Dasuya, District Hoshiarpur. Appeal against the conviction was also dismissed on 24.9.2003. The judgment of conviction and sentence attained finality.

2. Dismissal from service was ordered by the Commandant invoking Rule 16.2 (2) of the Punjab Police Rules, 1934 on the basis of conviction. The dismissal was challenged by the appellant before the Civil Court in which he did not succeed. The suit was dismissed and so was the appeal. The appellant has approached this Court under Section 41 of the Punjab Courts Act, 1918 read with Section 100 of the CPC assailing the orders of the courts below. There is a delay of 50 days in filing the appeal and 147 days in re-filing the appeal.

3. I have heard learned counsel for the appellant and gone through the paper-book.

4. I find that there is no merit in this case nor any substantial question of law arises worth consideration by this Court. It is mentioned in paragraph 10 of the judgment of the learned Additional District Judge, Hoshiarpur dated 29.7.2016 that when the plaintiff was released from jail, he served a legal notice in November, 2006 and the suit was filed on 5.10.2007. I find no ground to interfere with the concurrent judgments of the two courts below and find nothing in this case to be argued, urged or decided. However, I condone the delay in filing and re-filing the appeal. Accordingly, applications for condonation of delay in filing and re-filing are allowed as prayed for. The appeal stands dismissed.

(RAJIV NARAIN RAINA)
JUDGE

29.1.2020
MFK

Whether speaking/reasoned

Yes/No

Whether Reportable

Yes/No