

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

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**CWP No.19001 of 2021
Decided on : 22.09.2021**

Parminder Kumar

... Petitioner

Versus

State of Punjab and others

... Respondents

CORAM : HON'BLE MR.JUSTICE G.S. SANDHAWALIA

Present: Mr. K.G. Chaudhry, Advocate
for the petitioners.

G.S. Sandhawalia, J. (Oral)

The petitioner in the present writ petition filed under Article 226/227 of the Constitution of India challenges the order dated 04.02.2021 (Annexure P-11), whereby forfeiture of one year's service for annual increments had been imposed temporarily. The challenge is also raised to the order of the Appellate Authority dated 23.06.2021 (Annexure P-12), whereby his appeal was dismissed by respondent No.3 on the ground that it was time barred under Rule 16.30 (2) of the Punjab Police Rules.

The ground for punishment as such was that the petitioner had not informed the authorities regarding the criminal case lodged by his wife by way of FIR No.114 dated 17.12.2017. It is further the case of the petitioner that on account of the said punishment his further chance for being sent to the Lower School Course is being effected and, therefore, his promotional avenues are getting curtailed.

Notice of motion.

Ms. Ambika Bedi, AAG, Punjab accepts notice on behalf of the respondents.

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Keeping in view the controversy involved, this Court is of the opinion that filing of written statement is not required.

It is settled principle that the dispute should be adjudicated on merits rather than dismissing the appeal on technical grounds of being time barred. Since it was filed on 08.03.2021 and, therefore, there was only a nominal delay and even if benefit of applying for the certified copy is granted, the same would not even be time barred against the order dated 04.02.2021 (Annexure P-11).

In the considered opinion of this Court, the Appellate Authority should not have rejected the appeal on the ground that it was time barred, specially keeping in view the fact that there was only a nominal delay. It is not a case where there was inordinate delay and the petitioner was negligent and had slept over his rights.

It is further pointed out that the matter has been amicably settled with the wife and even criminal proceedings have been quashed vide order dated 15.01.2021 passed in CRM-M-29095-2020 (Annexure P-10).

Accordingly, the order dated 23.06.2021 (Annexure P-12) is quashed and directions are issued to the respondent No.3 to hear the appeal on merits and decided the same expeditiously within a period of one month.

September 22, 2021

Naveen

Whether speaking/reasoned:

Whether Reportable:

(G.S. SANDHAWALIA)

JUDGE

Yes/No

Yes/No