

In the High Court of Punjab and Haryana, at Chandigarh

Civil Writ Petition No. 8205 of 2021

Date of Decision: 25.02.2022

Jasbir Singh

... Petitioner(s)

Versus

State of Punjab and Others

... Respondent(s)

CORAM: Hon'ble Mr. Justice Anil Kshetarpal.

Present: Mr. Harinder Singh Aujla, Advocate
for the petitioner(s).

Mr. Ayush Sarna, Assistant Advocate General,
Punjab, for the respondents.

Anil Kshetarpal, J.

1. The learned State counsel has drawn the attention of the Court to the order passed by the Director General of Police, Punjab, on 03.02.2020, which reads as under:-

“Ex.SPO Jasbir Singh has filed CWP No. 2133 of 2017 before the Hon’ble Punjab and Haryana High Court for demanding reinstatement as SPO in Police Department. The above said writ petition was dismissed by the Hon’ble High Court on 31-8-2018 with the following order:-

“After hearing learned counsel for both the sides, no ground to invoke the writ jurisdiction is made out in view of the policy decision dated 22-1-1997 as also the fact that the petitioner stood discharged way back in the year 1993.

In view of the above, finding no merit in the present writ petition, the same is hereby dismissed”.

2. *Ex.SPO Jasbir Singh filed LPA No. 1588 of 2018 before a Division Bench of the Hon’ble High Court against the said order dated 31-8-2018 passed in CWP No. 21233/2017. The said LPA was dismissed on 12-10-2018 by the Hon’ble Court with the following order:-*

“Having argued the matter at some length, learned counsel for the appellant submits that he be permitted to withdrawn this appeal, so as to enable the appellant to move the respondent authority only for consideration of his claim.

Dismissed as withdrawn, with the liberty prayed for”.

3. *In pursuant to the liberty granted by the Hon’ble High Court vide order dated 12-10-2018, the petitioner Ex. SPO Jasbir Singh submitted a representation dated 25-10-2018 for his re-instatement/adjustment in the Police Department, Home Guard Department in lieu of service rendered by him and also on the plea that his work was appreciated by all his seniors.*

4. *The case of Ex. SPO Jasbir Singh has been examined in the office. As per entries made in the service record of the SPO Jasbir Singh No. 1234/Majitha Amritsar Rural, he was appointed as SPO in Distt. Amritsar Rural in the year 1988. The petitioner did not join as PHG volunteers on 1.7.1993 & in*

the year 1993 he remained absent from duty and due to his willful absence, he was discharged from service.

5. *In this regard it is stated that as per Government orders issued vide No. 5/11/91-7(1)H(1)/1328 dated 22-1-97 discharged SPOs cannot be taken back as the strength of SPOs has to be kept/counted in a decreasing order. In addition to this, State Government has issued directions/orders, vide letter No. 7/415/2011-5H3/6028-6029 dated 9-11-2018 to merge all unsuitable SPOs to join Home Guard Department as Home Guard Volunteers. However, Ex.SPO Jasbir Singh was not in service; therefore, he could not be merged as Home Guard Volunteers. Accordingly, his case was considered and rejected vide this office letter no. 2752/E-3(4) dated 14-02-19.*

6. *Due to the above mentioned facts, Ex.SPO Jasbir Singh is not eligible to be re-instated/adjusted in the Police Department or in Home Guard Department. Hence, his claim is rejected being devoid of force.*

This has the approval of DGP, Punjab.

A copy of order to be supplied to the petitioner free of cost.

Dated 3.2.2020

*Sd/- DIG/Admn.
for Director General of Police, Punjab”*

2. He submits that the petitioner has concealed the facts noticed in the order as well as the order which has been passed on his representation pursuant to the directions of the LPA Bench in Letters Patent Appeal No.

petitioner states that he has no knowledge of the facts stated.

3. From the reading of the order, it is evident that the petitioner has intentionally concealed the material facts from the Court. He has tried to pollute the sacred river of justice. Hence, he does not deserve any indulgence.

4. Consequently, the present writ petition is dismissed with exemplary costs of ₹50,000/-, which shall be deposited in the Poor Patients Welfare Fund, PGIMER, Chandigarh.

(Anil Kshetarpal)
Judge

February 25, 2022

“DK”

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No