

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

**CWP No. 19101 of 2021 (O&M)
Date of Decision: 28.7.2022**

Nachattar Singh

...Petitioner

Versus

State of Punjab and others

...Respondents

CORAM:- HON'BLE MS. JUSTICE JAISHREE THAKUR

Present:- Mr. Ish Puneet Singh, Advocate
for the petitioner.

JAISHREE THAKUR, J.

1. The petitioner seeks to challenge the order dated 7.2.2001, whereby he was dismissed from service as well as the orders dated 4.12.20215 and 10.10.2016, whereby his appeal and the mercy appeal stood rejected.

2. In brief, the facts are that the petitioner was appointed as a Constable on 23.7.1993. He was nominated as one of the accused in FIR No. 258 dated 27.11.1995 under Sections 393 read with Section 511 of the Indian Penal Code registered at Police Station No. 7, District Jalandhar. At the time of his arrest, one khukhri, one pistol and 4 live cartridges were recovered from him. The petitioner was convicted by the Judicial Magistrate Ist Class, Jalandhar and sentenced to undergo rigorous imprisonment for a period of two years and to pay fine of ₹200/-. The appeal filed against the judgment of conviction stood dismissed by the Additional Sessions Judge, Jalandhar, on 10.5.2000. After dismissal of the

appeal, the petitioner was dismissed from service vide order dated 7.2.2001. Thereafter, a revision, being CRR No. 558 of 2000, preferred against the order of conviction under the FIR and dismissal of the appeal, was dismissed by this Court on 5.5.2003 and the petitioner was directed to be taken into custody for serving out the remaining part of the sentence.

3. Learned counsel for the petitioner herein would argue that the impugned order, whereby the petitioner has been ordered to be dismissed from service is not sustainable, because the reasoning given that the petitioner was involved in dacoity is against the record. It is submitted that in fact the allegations against the petitioner herein were under Section 393 IPC, which is robbery. It is also argued that the dismissal order does not take into account the length of service of the petitioner that would entitle him to a pension, which factor has been ignored by the Inspector General of Police and the Additional Director General of Police, while rejecting his appeal as well as the mercy appeal.

At this stage, learned counsel for the petitioner has very fairly pointed out that the petitioner had already approached this Court impugning the dismissal order, by filing of a writ petition, being CWP No. 4076 of 2020, which was dismissed as withdrawn on 14.2.2020.

4. I have heard learned counsel for the petitioner and find no ground to interfere with the impugned order.

5. At the very outset, it would be relevant to note that the petitioner stood dismissed from service as far back as 2001, after he had been convicted in FIR No. 258 dated 27.11.1995 and sentenced to undergo for a period of two years. It would be relevant to note that his conviction

order had been upheld upto this Court and he had to surrender to undergo his remaining sentence. The petitioner had sought to challenge his order of dismissal by approaching the Director General of Police by way of filing an appeal, which was dismissed on 4.12.2015 and thereafter even the mercy appeal was dismissed on 10.10.2016. As already noticed, the impugned order dismissing the petitioner from service and the orders thereafter passed in his appeals already stood challenged by filing CWP No. 4076 of 2020, which was dismissed as withdrawn by the counsel after arguing at some length. After already having challenged the impugned orders in CWP No. 4076 of 2020, there is no occasion for this Court to entertain the instant writ petition.

6. Consequently, the writ petition is dismissed being not maintainable as well as being devoid of merit.

28.7.2022
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(JAISHREE THAKUR)
JUDGE

Whether speaking/reasoned :	Yes
Whether Reportable :	No