

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

214

CWP-9504-2021 (O&M)
Date of Order: 22.02.2022

ATTINDERPAL SINGH

..Petitioner

Versus

STATE OF PUNJAB AND OTHERS

..Respondents

CORAM: HON'BLE MR. JUSTICE ANIL KSHETARPAL

Present- Mr. Amit Dhawan, Advocate
for the petitioner.

Mr. Ayush Sarna, AAG, Punjab.

ANIL KSHETARPAL, J(Oral)

The hearing of the case is being held through video conferencing on account of restricted functioning of the Courts.

While assailing the orders dated 09.08.2019, 30.10.2019 and 03.02.2021, the petitioner prays for issuance of a writ in the nature of certiorari.

He has been dismissed from the Police Department on account of his unauthorised absence from 11.10.2017. The petitioner did not join the departmental inquiry. The order of dismissal from service passed by the Senior Superintendent of Police on 09.08.2019 has been affirmed by the Inspector General of Police while dismissing the appeal on 30.10.2019. A revision petition submitted to the Director General of Police has also been dismissed on 03.02.2021.

Learned counsel for the petitioner contends that the petitioner

remained in custody in view of a criminal case registered vide FIR No.114, dated 12.10.2017, registered under Section 307, 482, 349 and 120-B IPC; Section 21 of NDPS Act,1985 and Section 25, 54, 59 of the Arms Act,1959 and he was granted concession of bail on 24.08.2018. Thereafter, the petitioner went into depression and therefore, could not join the duty.

Per contra, learned State counsel has submitted that even after the grant of bail, the petitioner was sent two notices on 28.02.2019 and 15.03.2019 which were duly received by the petitioner's wife and mother but the petitioner did not either join the inquiry or appear before the disciplinary authority.

The petitioner has not produced any corroborative material to prove that he was suffering from depression. No document of taking medical treatment from a qualified doctor has been produced. A bald plea without corroborative evidence is not sufficient to explain the long absence. The petitioner was a member of a disciplined force. He did not come forward to join the duty after he was released on bail on 24.08.2018. The disciplinary authority passed the order after a period of nearly 1 year from the date of bail to the petitioner.

The learned counsel for the petitioner further contends that in FIR No.86, dated 25.08.2014, registered under Section 21 of the NDPS

Act, 1985 the petitioner has been acquitted.

Be that as it may. The dismissal of the petitioner is on the ground of his continuous absence. Hence, the acquittal in a criminal case is not relevant for the decision of the inquiry.

Keeping in view the aforesaid facts, this Bench does not find it appropriate to exercise its jurisdiction of judicial review.

Dismissed.

All the pending miscellaneous applications, if any, are also disposed of.

February 22nd, 2022

ashok

**(ANIL KSHETARPAL)
JUDGE**

Whether speaking/reasoned	: Yes/No
Whether reportable	: Yes/No