

113.

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

CWP-11914-2022

Date of Decision: 30.05.2022

DILSHER SINGH

.... Petitioner

Versus

STATE OF HARYANA AND OTHERS

.... Respondents

CORAM: HON'BLE MS. JUSTICE JAISHREE THAKUR

Present: Mr. Kartar Singh Malik, Advocate,
for the petitioner.

JAISHREE THAKUR.J

The petitioner herein is seeking a writ in the nature of Certiorari for quashing the order dated 30.06.2005 (Annexure P-8) whereby he was dismissed from service after holding a departmental enquiry; order dated 27.11.2006 (Annexure P-10) dismissing his appeal and order dated 20.06.2007 (Annexure P-12) dismissing his revision, besides quashing the enquiry report dated 06.05.2005 (Annexure P-4).

Petitioner was dealt with departmentally on the allegations that on 13.05.2004, while deployed in Police Control Room, Karnal, he did not report for duty and his absence was recorded. He reported back on duty only on 25.01.2005 after remaining absent from duty for a period of 257 days without any leave/permission by the competent authority. He was found guilty of the charges levelled against him. The Superintendent of Police, Karnal, vide order dated 30.06.2005 (Annexure P-8), awarded him a punishment of dismissal from service. He filed an appeal against the said

order before the Inspector General of Police, Rohtak Range, which was also rejected, vide order dated 27.11.2006 (Annexure P-10), being time barred. Against the said order, he filed revision before the Director General of Police, Haryana, which too was dismissed vide order dated 20.06.2007 (Annexure P-12). Aggrieved against the order of DGP, Haryana, he claims to have filed mercy appeal in the year 2010/2011 (Annexure P-13).

Learned counsel appearing on behalf of the petitioner would submit that the mercy appeal of the petitioner has not been decided till date. He would contend that the petitioner had more than 13 years of service at his credit and the order of dismissal from service is in contravention of Rule 16.2 of the Punjab Police Rules, as applicable to Haryana. It is argued that due to snake and dog bite about 4 years ago, he could not join duty as he was physically and mentally disturbed, and was taking treatment.

I have heard learned counsel for the petitioner and perused the paper book.

A perusal of paper book would show that the petitioner had been charge-sheeted on 25.02.2005, and enquiry report was submitted on 06.05.2005. He was served with show cause notice on 10.05.2005 and was inflicted punishment of dismissal from service on 30.06.2005. He has already availed of his right of appeal and revision. The mercy appeal (Annexure P-13) appears to have been filed by the petitioner after a gap of 3 to 4 years. He slept over the order of dismissal of his revision petition for such a long period. The instant writ petition has also been filed on 17.05.2022 after about 15 years of dismissal of his revision. It appears that the petitioner did not take any serious step to get his mercy appeal decided. No application or

reminder is placed on record which might have been made by him in this regard after filing of the same. The act of the petitioner approaching this Court after 15 years is not sustainable on account of delay and laches. Otherwise also, I do not see any infirmity or illegality in the orders so passed by the respondents. No fault has been even alleged by the petitioner with the procedure adopted by the respondents in dealing with the petition in the departmental proceedings. It is now well settled that High Court cannot sit in appeal over the administrative authorities to go into the question of quantum of punishment being awarded. Finding no ground to interfere, the instant writ petition is dismissed.

30.05.2022

sanjeev

**(JAISHREE THAKUR)
JUDGE**

Whether speaking/reasoned: Yes/No
Whether Reportable: Yes/No