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

**CWP-13285-2022
Date of decision: 21.11.2022**

VIKAS

...Petitioner

VERSUS

STATE OF PUNJAB AND ORS.

...Respondents

CORAM: HON'BLE MS. JUSTICE JAISHREE THAKUR

Present:- Mr. B. S. Bhatia, Advocae for
Mr. Sameer Sachdeva, Advocate
for the petitioner.

Ms. Akshita Chauhan, DAG, Punjab.

JAISHREE THAKUR, J. (Oral)

The instant writ petition has been filed under Articles 226/227 of the Constitution of India seeking issuance of a writ in the nature of certiorari for quashing order dated 01.12.2021 (Annexure P-2) passed by respondent No.4, whereby the petitioner has been dismissed from service by invoking Article 311(2)(b) of the Constitution of India in an arbitrary fashion.

In brief, the facts as stated are that the petitioner herein joined the Punjab Police as a Constable, who came to be nominated in FIR No.0138 dated 29.11.2021, under Section 21 of the NDPS Act, 1985, registered at Police Station Sadar Moga, District Moga, Punjab. On account of registration of said FIR, respondent-department dismissed the petitioner from service by invoking the provisions of Article 311(2)(b) of the Constitution of India. In the impugned order, it was noted that the petitioner herein has tarnished the

reputation of the Police Department.

Learned counsel for the petitioner would contend that there are no cogent reasons given in the order of dismissal as to why the departmental inquiry could not be held while further submitting that the allegations against the petitioner herein in the said FIR are motivated.

Pursuant to notice of motion having been issued on 04.07.2022, appearance has been caused on behalf of respondents. Learned State counsel would submit that the petitioner herein had filed an appeal against the order of dismissal dated 01.12.2021 (Annexure P-2) as passed by the Senior Superintendent of Police, Ferozepur, which has been set aside by the Director General of Police, Punjab vide order dated 15.11.2022 and the petitioner herein has been reinstated in service. She submits that as per the said order, the Director General of Police, Punjab has directed to initiate departmental proceedings against the petitioner. She places on record a photocopy of order dated 15.11.2022, which is taken on record.

In view of the above, since the impugned order has been set aside and the petitioner herein has been reinstated in service, the instant writ petition stands rendered infructuous. The petitioner herein would face departmental proceedings initiated against him.

Consequently, the instant writ petition is disposed of as infructuous.

21.11.2022
Chetan Thakur

(JAISHREE THAKUR)
JUDGE

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No