

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

1363

2023:PHHC:104327

RSA-127-1993

Date of decision: 11.08.2023

STATE OF PUNJAB

..Appellant

Versus

CONSTABLE JAGGA SINGH

..Respondent

CORAM: HON'BLE MR. JUSTICE ANIL KSHETARPAL

Present: Mr. Sandeep Chopra, DAG, Punjab.

ANIL KSHETARPAL, J(Oral)

1. The respondent herein was a constable, who has unfortunately died now. His one year service was ordered to be forfeited by Senior Superintendent of Police, Ferozepur, with permanent effect. He filed a civil suit to challenge the correctness of the aforesaid order. The trial Court dismissed the suit, however, the learned First Appellate Court found that subsequently the absence of the respondent was condoned as leave was sanctioned for a period of 13 days and 22 hours. Thus, the First Appellate Court held that once the absence of the respondent from the duty has been condoned, the order of punishment ceases to exist.

2. The learned State Counsel representing the appellant contends that the leave of the respondent was sanctioned after an order of punishment, hence, that would not in any way impact the order imposing punishment.

3. This Court has considered the submissions.

4. On a Court question, the learned State Counsel representing the appellant admits, that the only misconduct for which the respondent was punished was with respect to his absence for 13 days and 22 hours from duty. Once, the competent authority on consideration of respondent's application, sanctioned the leave, then the respondent will be treated to be on

duty and the period of his absence stood regularized. Moreover, the respondent is also no more.

- 5. Keeping in view the aforesaid facts, no ground to interfere is made out.
- 6. Dismissed.
- 7. All the pending miscellaneous applications, if any, are also disposed of.

August 11th, 2023

Ay

(ANIL KSHETARPAL)
JUDGE

Whether speaking/reasoned

:

Yes/No

Whether reportable

:

Yes/No