

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

RSA-1578 of 1992 (O&M)
Date of Order: 29.08.2023

The State of Punjab and others

.Appellants

Versus

Head Constable Sukhdev Singh and another

..Respondents

CORAM: HON'BLE MR. JUSTICE ANIL KSHETARPAL

Present: Mr. Ajit Singh Natt, AAG, Punjab.

ANIL KSHETARPAL, J

1. The learned counsel representing the State of Punjab has informed the court that the respondents have died. The respondents were represented by Sh. T.N.Gupta, Advocate.

2. As per the office report, notice sent to Sh. T.N.Gupta, Advocate, has been received back with the report that Sh. T.N.Gupta, Advocate has grown old and no more in active practice.

3. The learned counsel representing the State of Punjab submits that on account of death of the respondents, any decision under the appeal would not make any difference because as per the order passed by the courts below the consequential benefits were released to the respondents, who now are no longer in the world.

4. This court has gone through the paper book.

5. The plaintiffs filed a suit for grant of decree of declaration that the order of initiating departmental inquiry, charge-sheet, show cause notice order of forfeiture permanent services of 8 years (late Sh. Sukhdev Singh)

and 6 years (late Sh. Darshan Singh) on permanent basis, rejection of pay scale and confiscation of pay and allowance for the period of suspension are illegal, ultravires of the Constitution as well as against the mandatory provisions of the Punjab Police Rules.

6. In substances, the departmental inquiry was initiated against the plaintiffs as they did not report back along with the accused on the same evening but they returned next date. It has been found by the courts that the departmental inquiry was not held in accordance with the procedure laid down in the Punjab Police Rules.

7. Neither the defendants were given opportunity to cross-examine the prosecution's witnesses nor they were given opportunity to personal hearing before passing the impugned orders.

8. The learned counsel representing the State of Punjab has failed to draw the attention of the court to any substantive error in non-reading or misreading of the evidence.

9. Keeping in view the aforesaid facts and discussion, no ground to interfere is made out.

10. Dismissed.

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

August 29, 2023

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(ANIL KSHETARPAL)
JUDGE

Whether speaking/reasoned
Whether reportable

:YES/NO
:YES/NO