

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

RSA NO.1639 of 1991 (O&M)

Date of Order:15.09.2023

The State of Punjab and others**.Appellants****Versus****Muni Lal, Head Constable No.941****..Respondent****CORAM: HON'BLE MR. JUSTICE ANIL KSHETARPAL****Present:** Mr. Vikas Arora, AAG, Punjab**ANIL KSHETARPAL, J**

1. The Regular Second Appeal filed by the State of Punjab (defendants) has come up for final disposal.

2. The civil suit filed for grant of decree of declaration that the order passed by the then Additional Superintendent of Police while discharging the functions of disciplinary authority were held to be illegal as the Additional Superintendent of Police was not competent to pass the order of punishment.

3. Thereafter, the regular second appeal was admitted for hearing after framing the following substantial questions of law:-

“1. *Whether the Additional Superintendent of Police is competent to pass orders of forfeiture of approved service with permanent effect with regard to Head Constable in the Police Department as per Punjab Police Rules, 1934?*

2. *Whether the word Superintendent of Police as per Rule 1.8 of the Punjab Police Rules, 1934 also includes any other Superintendent of Police including Additional Superintendent of Police other than the executive Head of the Distt. Police Force?*

3. *Whether the Superintendent of Police as mentioned in Rule 12.1 and 16.1 of the Punjab Police Rules, 1934 includes any other Superintendent of Police including Additional Superintendent of Police empowering appointment in case of Constables and Head Constables including power of inflicting punishment?*
4. *Whether mentioning of the word Superintendents in Rule 1.8, 12.1 and 16.1 in the Punjab Police Rules, 1934 signifies being plural in nature and thus includes all Superintendent of Police in the Distt. including Additional Superintendent of Police?”*

4. The learned counsel representing the State of Punjab admits that the matters in issue are covered against the appellant-State of Punjab in view of the judgment passed by the Supreme Court in **Ravinder Kumar vs. State of Punjab and others, (Civil Appeal No.1843 of 2007, decided on 16.11.2011).**

5. The learned counsel representing the State of Punjab did not address any point.

6. Keeping in view of the aforesaid facts and discussion, the appeal is dismissed.

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

September 15, 2023
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(ANIL KSHETARPAL)
JUDGE

Whether speaking/reasoned
Whether reportable

:YES/NO
:YES/NO