

2023:PHHC:098127

**In the High Court for the States of Punjab and Haryana
At Chandigarh**

CWP-5492-2023 (O&M)
Date of Decision:- 31.7.2023

Krishan Lal

... Petitioner

Versus

State of Punjab and others

...Respondents

CORAM: HON'BLE MR. JUSTICE GURVINDER SINGH GILL

Present:- Mr. Anupam Bhardwaj, Advocate for the petitioner.

Mr. I.P.S. Kang, AAG, Punjab.

GURVINDER SINGH GILL, J.

1. Petitioner Krishan Lal assails order dated 3.10.2011 (Annexure P-1) vide which he was dismissed from service and also order dated 14.6.2012 (Annexure P-2) passed by respondent No. 3 dismissing his appeal against the aforesaid order dated 3.10.2011 (Annexure P-1). The petitioner also assails order dated 31.5.2019 (Annexure P-3) whereby his representation seeking reinstatement and pensionary benefits has been declined.
2. The petitioner had been appointed as ASI in Punjab Police on 12.4.1986. However, on account of his conviction in a case arising out of FIR No. 19 dated 23.1.2006 registered under Section 18 of the NDPS Act and Section 13 of the Prevention of Corruption Act 1988, he was dismissed from service vide order dated 3.10.2011 (Annexure P-1) passed by SSP, Faridkot. The petitioner preferred appeal against the aforesaid order but the said appeal

came to be dismissed vide order dated 14.6.2012 (Annexure P-2) by the Inspector General of Police, Bathinda. In the year 2018, the petitioner moved a representation seeking reinstatement and also pensionary benefits but the same was declined vide order dated 31.5.2019 (Annexure P-3) mainly on account of delay of six years. The petitioner, thereafter, preferred one appeal to the office of Director General of Police, Punjab challenging his dismissal which was simply consigned to record, apparently because the appeal already stood dismissed in the year 2012 i.e. vide order dated 14.6.2012 (Annexure P-2).

3. The learned counsel for the petitioner submits that the petitioner had rendered 25 years of service and as such, he was entitled to be considered for pension and that a solitary act of alleged misconduct cannot be said to be sufficient to justify his dismissal and deprive him of pensionary/retiral benefits.
4. Opposing the petition, the learned State counsel relies upon judgment dated 5.5.2023 passed by this Court in CWP-29209-2019 Jasbir Singh versus State of Punjab and others and other connected matters to contend that some similarly situated persons had approached this Court seeking reinstatement but the same were declined mainly on account of the fact that the said petitioners stood convicted for serious offences including offence under NDPS Act which have to be viewed seriously and strictly.
5. This Court has considered rival submissions addressed before this Court.
6. Apart from the fact that there is gross delay in raising the claim of pension, the petitioner is otherwise not entitled for pension having been dismissed on account of his conviction for serious allegations of possession of contraband

i.e. for offence under Section 18 of the NDPS Act. The petitioner, being a member of the disciplined force, was expected to discharge his duties to the utmost satisfaction of his superiors so as to check crime whereas the present case is a case where the petitioner himself indulged in a crime as serious as drug trafficking. In these circumstances, no leniency is warranted. There is no case for either reinstatement of the petitioner or for granting any kind of pensionary benefits.

7. The petition is sans merit and is hereby dismissed.

31.7.2023

kamal

(GURVINDER SINGH GILL)
JUDGE

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