

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CWP-14431-2017 (O&M)
Date of Decision:- 29.8.2023

Ex. Constable Perminder Singh ...Petitioner

Versus

State of Punjab and others ...Respondents

CORAM: HON'BLE MR. JUSTICE GURVINDER SINGH GILL

Present: Mr. Jaspreet Singh Brar, Advocate for the petitioner.

Mr. Aman Dhir, DAG, Punjab.

GURVINDER SINGH GILL, J.

1. The petitioner assails order dated 5.9.2007 (Annexure P-4) passed by Commandant 82nd Battalion, PAP, Chandigarh vide which his services had been terminated.
2. The petitioner had been appointed as a Constable on compassionate grounds on 9.8.1996. A departmental inquiry was initiated against him with an allegation that he absented w.e.f. 24.3.2006. It was also found that the petitioner had been arrested on 25.3.2006 in connection with FIR No. 282 dated 1.8.2005 under Sections 326, 323, 324, 148, 149 IPC, Police Station Vijay Nagar, Sadar Amritsar. He was released on bail on 1.8.2006 but did not join duties and remained absent till 29.8.2006 and it was thereafter that he presented himself for joining duties. Thus, it is alleged that he had remained absent from 24.3.2006 to 26.3.2006 and even for the period after

his release on bail i.e. from 1.8.2006 to 29.8.2006 apart from his custody during the period 25.3.2006 to 31.7.2006 (128 days), having been confined in Central Jail, Amritsar.

3. A copy of the chargesheet alongwith list of witnesses and other documents was served upon the petitioner. Seven witnesses were examined in presence of the petitioner. The petitioner was also afforded opportunity to produce witness in his defence and he submitted a reply in writing that he did not wish to examine any witness in his defence. The petitioner, however, got his own statement recorded. The Inquiry Officer held that the charges framed against the petitioner were duly established. The petitioner was, thereafter, issued show cause notice dated 21.8.2007 to explain as to why his services may not be terminated. The petitioner was also informed that in case he wished to appear personally to explain his position, he could appear in person. A copy of the enquiry report was also sent alongwith the said show cause notice.
4. The petitioner filed his reply to the aforesaid show cause notice explaining reasons for his absence to be mainly on account of the petitioner having been involved falsely in criminal cases and because of which he had to attend court proceedings frequently and which led to the petitioner remaining upset. The aforesaid explanation was, however, not accepted by the punishing authority and consequently passed an order removing the petitioner from service.
5. The learned counsel for the petitioner has assailed the impugned order mainly on the ground that he had been charge-sheeted mainly on grounds of absence, a part of which admittedly was on account of registration of FIR

whereas he already stands acquitted in the said FIR i.e. FIR No. 282 dated 1.8.2005, Police Station Vijay Nagar, Sadar Amritsar.

6. The learned counsel submits that the petitioner is alleged to have remained absent w.e.f. 24.3.2006 upto 29.8.2006 which includes his custody period w.e.f. 25.3.2006 to 31.7.2006 (128 days). It has been submitted that the said custody period of 128 days cannot be termed as willful absence, particularly when the petitioner already stands acquitted in the FIR in respect of which he was in jail during the aforesaid period and that in case the aforesaid period of 128 days is excluded, the remaining absence would be barely for one month.
7. It has next been submitted by learned counsel that the punishing authority was swayed mainly on account of involvement of the petitioner in three FIRs i.e. FIR No. 200/03 under Section 392/353 IPC, Police Station Sadar Amritsar; FIR No. 235 dated 4.11.2004 under Section 21 of the NDPS Act, Police Station GRPs, Ambala Cantt. and FIR No. 282 dated 1.8.2005, Police Station Vijay Nagar, Sadar Amritsar and on account of some previous instances of absence of the petitioner whereas the petitioner already stands acquitted in all the three FIRs and thus, the same cannot be taken into account and that the previous conduct can be considered by the punishing authority at the time of imposing punishment only in case the petitioner has been given an advance notice informing him about the same whereas the petitioner had never been given any notice informing the petitioner regarding the intention of the punishing authority to rely upon the said previous instances of absences/conduct. The learned counsel places reliance upon a judgment of Hon'ble Supreme Court rendered in 1964 AIR (Supreme Court) 506 State of Mysore versus K.Manche Gowda. The learned counsel

also pressed into service judgments passed by this Court in 1992(3) S.C.T. 580 – K.B. Tuli versus The Punjab Small Industries & Export Corporation Limited; 1996(2) RSJ 599 Ex.Constable Tarsem Singh versus State of Punjab and others; and RSA No. 4365-2010 titled as Sawinder Singh versus Punjab State and others. It has, thus, been submitted that principles of natural justice have been totally violated and extraneous material has been taken into consideration while passing order of dismissal of the petitioner in respect of which the petitioner had never been furnished any notice. The learned counsel for the petitioner further submitted that even the appeal filed by the petitioner against the order of dismissal had been dismissed by the Director General of Police vide order dated 28.2.2013 (Annexure P-5). It has further been submitted that although the petitioner had filed a revision-cum-mercy petition before the Principal Secretary, Home Affairs and Justice, Govt. of Punjab but the same also met with the same fate and was dismissed vide order dated 17.6.2014 (Annexure P-9).

8. Opposing the petition, the learned State counsel has submitted that the petitioner is a member of disciplined force who had remained absent from service and that absence for a long period would constitute grave misconduct. It has been submitted that even if the period of 128 days in respect of the detention period of the petitioner on account of the FIR in which he stands acquitted is not taken into account, still the absence of 30 days itself is a grave misconduct which cannot be taken lightly. It has been submitted that in the present case, the punishing authority before imposing punishment of dismissal had duly issued a show cause notice dated 21.8.2007 (served on 25.8.2007) to the petitioner, which was served upon the petitioner alongwith a copy of the inquiry report and since in the show

cause notice, it had been mentioned in detail that the punishment of dismissal was being proposed on account of his previous conduct which was delineated in show-cause notice dated 21.8.2007, the petitioner cannot be said to have been prejudiced in any manner.

9. The learned State counsel further submitted that the instant petition also suffers from delay and latches inasmuch as while petitioner's appeal against the order of dismissal/termination was dismissed on 28.2.2013 and even his mercy petition was dismissed on 27.7.2014, the instant petition came to be filed after about 3 years of the dismissal of mercy petition without there being any justifiable explanation to explain the delay. The learned State counsel, thus, prayed for dismissal of the petition.
10. This Court has considered rival submissions addressed before this Court.
11. As far as the period of absence is concerned, the same is not disputed by the learned counsel. The total period of absence of the petitioner was from 24.3.2006 to 29.8.2006 including custody period from 25.3.2006 to 31.7.2006 (128 days). It is also not in dispute that the petitioner stands acquitted in all the three FIRs lodged against him. In any case, the FIRs are not the basis of petitioner's dismissal. The petitioner has laid much stress on his contention that the punishing authority has taken into account extraneous material while imposing the punishment of termination from service.
12. However, this Court finds that the aforesaid contention is not factually substantiated inasmuch as the show cause notice dated 21.8.2007 had been sent to the petitioner, as is also specifically stated in the reply filed by the State wherein it also stated that same was received by petitioner under his signatures on 25.8.2007. This Court, in order to satisfy itself, called for a

copy of said show-cause notice dated 21.8.2007 and the same has been taken on record as Annexure C-1. Upon perusal of same, it is found that details of previous conduct has been mentioned in show-cause notice dated 21.8.2007.

The translated gist of relevant extract is as follows :-

“I have perused your previous service record. You had been appointed as a Constable on 11.9.1996. Ever since your appointment, there has not even been a single year when you had not repeatedly absented. As per service proforma, you had absented on as many as 123 occasions, orders in respect of which have been duly recorded. You are a habitual absentee on account of which 13 of your annual increments already stand forfeited with cumulative effect. A period of 813 days has been treated as absence without pay and 77 days has been treated as leave of kind due. Departmental proceedings are also pending against you on account of registration of criminal cases.”

13. As far as the judgments pressed into service by the learned counsel for the petitioner are concerned, the same would be distinguishable and would not apply to the facts of the present case. The judgement i.e. K.Manche Gowda's case (supra) pertained to an employee who was holding the post of an Assistant to the Additional Development Commissioner, Planning, Bangalore whereas in the present case the petitioner belongs to a disciplined force i.e. the police. Thus, even if all other previous instances of absences are not taken into account, the absence of the petitioner for 30 days in the present case would itself be sufficient to impose the punishment of dismissal, being member of a disciplined force.

14. This Court in judgment dated 8.9.2015 rendered in 2015(41) RCR(Civil) 907 titled as Swaran Singh versus State of Punjab and another held that even a

single day's absence without intimation in case of a member of a disciplined force cannot be ignored.

15. Even, the judgment rendered in K.B.Tuli's case (supra) pertained to a Section Officer in Punjab Small Industries and Export Corporation in contrast to the present case where the petitioner is a member of disciplined force where the standard of discipline and requirements are much more stringent.
16. As far as the Division Bench judgment rendered in Ex.Constable Tarsem Singh's case (supra) is concerned, the same was a case where the petitioner had been served a chargesheet for having remained absent for 89 days whereas punishment was imposed upon him holding him guilty of remaining absent for 356 days, though no such chargesheet was ever served upon him. The facts of the case are clearly different and would not be applicable to the present case.
17. As regards, the judgment in Sawinder Singh's case (supra), which has been pressed into service by the learned counsel, this Court finds that the petitioner therein had been terminated from service on the basis of previous record, which was noticed in very general terms, as under :-

“Besides, I have also perused his previous service records which shows that he is a habitual absentee. He is an unreliable police official and unfit for department. He deserves no leniency for the gross misconduct on his part. The defaulter deserves the proposed punishment in the Show Cause Notice. Therefore, I dismiss Const. Sawinder Singh No.1380/ASR from the Police Department w.e.f. 18.10.2004 A.N. His aforesaid period is treated as N.D.P.”

18. On the other hand, in the present case the impugned order would show that a detailed reference has been made to the previous record and thereafter the opinion has been formed by the punishing authority that the petitioner is unlikely to improve himself. The relevant extract from the order reads herein-under :-

“.....He has also written that at present, three false cases have been registered against him which are still pending. He has mentioned that he is upset due to registration of these cases. But I am not agree with the reply given by him in writing because I have gone through his previous record. The constable joined his services on 11.09.1996. It would not be the year since his joining when has not been remained absent. He remained absent for 127 times. His order book has been checked and found that he has become habitual of remaining absent due to which, his absent period come to 847 days has already been approved as “No work no pay” and 77 days absent period has been included in his leave period and his 15 future annual increments have already been forfeited. Due to registration of criminal case against him, departmental proceedings are pending against him. Such employee can make problem at any time for the force and cannot improve himself in any manner. Neither such employee can perform his duties in the police department in a discipline nor has any merit to become good police officer.....”

19. At this stage, it is apposite to refer to Annexure R-1 and Annexure R-2 annexed with the reply filed by the State pertaining to the period of absence

and the punishment imposed upon the petitioner on several occasions.

Annexure R-1 would read as under :-

“**PUNISHMENT PROFORMA**”

Rank Name & No.		Father’s Name	DOB	DOE
Ex. CT Parminder Singh No. 82/235		Sh. Balwinder Singh	26.06.1977	11.09.1996
1.	78/2003	On the result of departmental enquiry his Five year approved service was forfeited and absent period w.e.f. 23.02.02 to 19.03.02 = 25 days treated as NDP vide order No. 208-12/Reader, dated 29.01.03 by the then Commandant, 9 th Battalion, PAP, Amritsar.		
2.	78/2003	On the result of departmental enquiry his Five year approved service was forfeited and absent period w.e.f. 01.04.02 to 25.04.02 = 24 days treated as NDP vide order No. 213-17/Reader, dated 29.01.03 by the then Commandant, 9 th Battalion, PAP, Amritsar.		
3.	297/2003	On the result of departmental enquiry his One year approved service was forfeited and absent period w.e.f. 05.09.02 to 14.09.02 = 09 days treated as NDP vide order No. 1099-1104/Reader, dated 29.04.03 by the then Commandant, 9 th Battalion, PAP, Amritsar.		
4.	297/2003	On the result of departmental enquiry his One year approved service was forfeited and absent period w.e.f. 16.11.02 to 17.12.02 = 22 days treated as NDP vide order No. 1105-10/Reader, dated 29.04.03 by the then Commandant, 9 th Battalion, PAP, Amritsar.		
5.	251/2005	His one year approved service was forfeited and absent period w.e.f. 08.06.03 to 18.08.03 = 25 days treated as NDP vide order No. 834-41/Reader, dated 25.04.05 by the then Commandant, 9 th Battalion, PAP, Amritsar.		
6.	8/98	Absent period w.e.f. 07.09.97 to 18.09.97 = 01, w.e.f. 05.10.97 to 08.10.97 = 04 and 05.11.97 to 05.11.97 = 01 total 06 days treated as NDP and awarded Censure vide order No.941-44/Steno dated 16.01.98 by the then Commandant, 9 th Battalion, PAP, Amritsar.		
7.	376/98	Absent period w.e.f. 13.12.97 to 16.12.97 = 03 days treated as NDP and awarded Censure vide order No.1532/Steno dated 29.01.98 by the then Commandant, 9 th Battalion, PAP, Amritsar.		
8.	411/98	Absent period w.e.f. 05.02.98 to 08.02.98 = 03 and 09.02.98 to 11.02.98 = 02 days total 05 days treated as NDP and awarded Censure vide order No.19877-81/Steno dated 22.12.98 by the then Commandant, 9 th Battalion, PAP, Amritsar.		
9.	768/2003	He was suspended, absent period 01 day treated as NDP and awarded Censure vide order No.2759-65/Steno, dated 09.10.03 by the then Commandant, 9 th Battalion, PAP, Amritsar.		

10.	439/2004	Absent period w.e.f. 08.06.04 to 14.06.04 = 06 days treated as NDP and awarded Censure vide order No.1056-61/Steno dated 17.07.04 by the then Commandant, 9 th Battalion, PAP, Amritsar.
11.	385/99	Absent period w.e.f. 12.10.99 to 17.10.99 = 05 days treated as NDP and awarded Warning vide order No.22826-30/Steno dated 15.11.99 by the then Commandant, 9 th Battalion, PAP, Amritsar.
12.	640/2005	Absent period w.e.f. 30.07.05 to 08.08.05 = 09 days sanctioned as Earned Leave and awarded Warning vide order No.14478-83/Steno dated 21.09.05 by the then Commandant, 9 th Battalion, PAP, Amritsar.

20. The period of absence, as mentioned in Annexure R-2, is reproduced herein-
under :-

“ABSENT/NON DUTY PERIOR PROFORMA

Rank Name & No.		Father’s Name	DOB	DOE
Ex. CT Parminder Singh No. 82/235		Sh. Balwinder Singh	26.06.1977	11.09.1996
	1812/96	Enlisted as Constable on 11.09.1996		
1.	36/97	Absent period w.e.f. 18.01.97 to 22.01.97 = 04 days treated as NDP		
2.	304/97	Absent period w.e.f. 17.08.97 to 19.08.97 = 03 days treated as NDP		
3.	268/97	Absent period w.e.f. 21.07.97 to 23.07.97 = 02 days treated as NDP		
4.	113/98	Absent period w.e.f. 01.03.98 to 04.03.98 = 03 days and 18.03.98 to 19.03.98 = 02 days total 06 days treated as NDP		
5.	394/98	Absent period w.e.f. 05.07.98 to 17.07.98 = 12 days and 17.07.98 to 24.07.98= 8 total 20 days treated as NDP		
6.	43/99	Absent period w.e.f. 18.01.99 to 30.01.99 = 13 days treated as NDP		
7.	221/99	Absent period w.e.f. 07.04.99 to 09.04.99 = 02 days, 17.04.99 to 25.04.99 = 08, 26.04.99 to 29.04.99 = 03 days, 04.05.99 to 06.05.99 = 2 days and 27.05.99 to 03.06.99 = 07 days, total = 22 days treated as NDP		
8.	246/99	Absent period w.e.f. 17.06.99 to 26.06.99 = 09 days and 03.07.99 to 07.07.99 = 04 days total 13 days treated as NDP		
9.	302/99	Absent period w.e.f. 22.08.99 to 23.08.99 = 01 day and 02.09.99 to 08.09.99 = 06 days total = 07 days treated as NDP		
10.	302/99	Absent period w.e.f. 06.08.99 to 15.08.99 = 10 days treated as NDP		
11.	405/99	Absent period w.e.f. 03.11.99 to 09.11.99 = 06 days treated as NDP		

12.	428/99	Absent period w.e.f. 17.11.99 to 18.11.99 = 01 day treated as NDP
13	429/99	Absent period w.e.f. 25.11.99 to 27.11.99 = 02 days treated as NDP
14	41/2000	Absent period w.e.f. 03.12.99 to 09.12.99 = 07 days treated as NDP
15	64/2000	Absent period w.e.f. 13.12.99 to 14.12.99 = 02 days treated as NDP
16	96/2000	Absent period w.e.f. 30.12.99 to 01.01.2000 = 02 days treated as NDP
17	224/98	Recruit course passed
18	124/2000	Absent period w.e.f. 26.03.2000 to 04.04.2000 = 10 days treated as NDP
19	124/2000	Absent period w.e.f. 24.01.2000 to 11.02.2000 = 18 days treated as NDP
20	124/2000	Absent period w.e.f. 13.01.2000 to 21.01.2000 = 09 days treated as NDP
21	135/2000	Absent period w.e.f. 08.05.2000 to 12.05.2000 = 04 days treated as NDP
22	135/2000	Absent period w.e.f. 13.05.2000 to 17.05.2000 = 04 days treated as NDP
23	154/2000	Absent period w.e.f. 14.06.2000 to 15.06.2000 = 01 day treated as NDP
24	185/2000	Absent period w.e.f. 03.07.2000 to 03.07.2000 = 01 day treated as NDP
25	202/2000	Absent period w.e.f. 06.08.2000 to 07.08.2000 = 01 day treated as NDP
26	247/2000	Absent period w.e.f. 26.08.2000 to 02.09.2000 = 07 days treated as NDP
27	255/2000	Absent period w.e.f. 29.09.2000 to 30.09.2000 = 02 days treated as NDP
28	257/2000	Absent period w.e.f. 27.09.2000 to 28.09.2000 = 01 day treated as LKD
29	262/2000	Absent period w.e.f. 10.11.2000 to 15.11.2000 = 05 days treated as NDP
30	18/2001	Absent period w.e.f. 27.11.2000 to 28.11.2000 = 01 day treated as NDP
31	18/2001	Absent period w.e.f. 06.12.2000 to 12.12.2000 = 06 days treated as NDP
32	18/2001	Absent period w.e.f. 08.01.01 to 19.01.01 = 12 days treated as NDP
33	60/2001	Absent period w.e.f. 31.01.01 to 09.02.01 = 10 days treated as NDP
34	76/2001	Absent period w.e.f. 07.03.01 to 19.03.01 = 13 days treated as NDP
35	89/2001	Absent period w.e.f. 20.04.01 to 03.05.01 = 14 days treated as NDP
36	101/2001	Absent period w.e.f. 05.05.01 to 21.05.01 = 16 days treated as NDP

37	133/2001	Absent period w.e.f. 27.06.01 to 16.07.01 = 20 days treated as NDP
38	174/2001	Absent period w.e.f. 22.07.01 to 03.08.01 = 13 days treated as NDP
39	234/2001	Absent period w.e.f. 24.08.01 to 23.10.01 = 61 days treated as NDP
40	252/2001	Absent period w.e.f. 07.11.01 to 09.11.01 = 02 days treated as NDP
41	252/2001	Absent period w.e.f. 31.1.01 to 03.11.01 = 04 days treated as NDP
42	05/2002	Absent period w.e.f. 16.12.01 to 17.12.01 = 02 days treated as NDP
43	34/2002	Absent period w.e.f. 09.01.01 to 18.01.02 = 10 days treated as NDP
44	34/2002	Absent period w.e.f. 23.01.02 to 28.01.02 = 06 days treated as NDP
45	49/2002	Absent period w.e.f. 28.06.02 to 18.07.02 = 21 days treated as NDP
46	507/2002	Absent period w.e.f. 14.06.02 to 19.06.02 = 06 days treated as NDP
47	557/2002	Absent period w.e.f. 22.06.02 to 25.06.06 = 03 days treated as NDP
48	47/2002	Absent period w.e.f. 02.07.02 to 02.07.02 = 01 day treated as NDP
49	615/2002	Absent period w.e.f. 20.07.02 to 21.07.02 = 01 day treated as NDP
50	615/2002	Absent period w.e.f. 28.07.02 to 29.07.02 = 01 day treated as NDP
51	615/2002	Absent period w.e.f. 02.08.02 to 03.08.02 = 01 day treated as NDP
52	615/2002	Absent period w.e.f. 07.08.02 to 16.08.02 = 10 days treated as NDP
53	663/2002	Absent period w.e.f. 29.08.02 to 03.09.02 = 05 days treated as NDP
54	429/2003	Absent period w.e.f. 03.01.03 to 21.01.03 = 18 days, 23.01.03 to 13.02.03 = 21 and 02.03.03 to 03.03.03 = 02 days Total days 41 treated as NDP
55	429/2003	Absent period w.e.f. 14.05.03 to 15.05.03 = 01 day treated as NDP
56	429/2003	Absent period w.e.f. 05.03.03 to 08.04.03 = 22 days treated as NDP
57	477/2003	Case FIR No. 200 dated 10.06.2003 u/s 393,353,186,34 IPC P.S. Sadar Amritsar was registered in which he was arrested and got suspended
58	681/2003	Absent period w.e.f. 29.08.03 to 30.08.03 = 01 day treated as NDP
59	753/2003	Absent period w.e.f. 07.09.03 to 08.09.03 = 01 days treated as NDP

60	744/2003	Absent period w.e.f. 16.09.02 to 21.10.02 = 16 days sanctioned as Earned leave and w.e.f. 02.10.02 to 04.11.02 = 34 days sanctioned as half pay (leave of kind due)
61	744/2003	Absent period w.e.f. 14.03.03 to 18.03.03 = 05 days treated as LKD vide order no. 21011-13/CRC, dated 03.10.03.
62	744/2003	Absent period w.e.f. 09.04.03 to 16.04.03 = 08 days treated as LKD vide order no. 21014-16/CRC, dated 03.10.03.
63	783/2003	Absent period w.e.f. 28.09.03 to 02.10.03 = 03 days treated as NDP
64	926/2003	Absent period w.e.f. 16.11.03 to 17.11.03 = 01 day treated as NDP
65	50/2004	Absent period w.e.f. 03.01.04 to 04.01.04 = 01 day treated as NDP
66	--	Case FIR No. 200 dated 10.06.2003 u/s 393,353,186,34 IPC P.S. Sadar Amritsar registered vide order No. 134-36/CRC, dated 02.01.2004.
67	123/2004	Absent period w.e.f. 02.02.04 to 04.02.04 = 02 days treated as NDP
68	232/2004	Absent period w.e.f. 11.03.04 to 15.03.04 = 04 days treated as NDP
69	384/2004	Absent period w.e.f. 29.05.04 to 03.06.04 = 05 days treated as NDP
70	446/2004	Absent period w.e.f. 07.08.04 to 08.08.04 = 02 days treated as NDP
71	439/2004	Absent period w.e.f. 28.05.04 to 29.05.04 = 01 day treated as NDP
72	632/2004	Absent period w.e.f. 15.09.04 to 16.09.04 = 01 day treated as NDP
73	733/2004	Absent period w.e.f. 25.10.04 to 26.10.04 = 02 days treated as NDP
74	692/2004	Absent period w.e.f. 17.10.04 to 18.10.04 = 01 day treated as NDP
75	216/2005	Absent period w.e.f. 17.03.05 to 19.03.05 = 02 days treated as NDP
76	200/2005	Absent period w.e.f. 13.03.05 to 14.03.05 = 01 days treated as NDP
77	668/2004	Absent period w.e.f. 06.10.04 to 13.10.04 = 07 days treated as NDP
78	331/2005	Absent period w.e.f. 19.04.05 to 23.04.05 = 05 days treated as NDP
79	272/2005	Absent period w.e.f. 30.03.05 to 02.04.05 = 04 days treated as NDP
80	392/2005	His D/E was initiated vide order No.607-13/Reader, dated 29.03.05
81	509/2005	His absent period w.e.f. 22.08.05 to 23.08.05 = 01 day treated as Earned Leave vide order No.16781-83/CRC, dated 31.08.05.
82	667/2005	Absent period w.e.f. 17.09.05 to 25.09.05 = 08 days treated as NDP

83	693/2005	Absent period w.e.f. 25.11.05 to 28.11.05 = 03 days treated as NDP
84	793/2005	Absent period w.e.f. 29.11.05 to 30.11.05 = 01 day treated as NDP
85	14/2006	Absent period w.e.f. 15.12.05 to 16.12.05 = 01 day treated as NDP
86	14/2006	Absent period w.e.f. 18.12.05 to 19.12.05 = 01 day treated as NDP
87	92/2006	Absent period w.e.f. 19.01.06 to 23.01.05 = 04 days treated as NDP
88	92/2006	Absent period w.e.f. 09.01.06 to 12.01.06 = 03 days treated as NDP
89	185/2006	Absent period w.e.f. 12.03.06 to 15.03.06 = 03 days treated as NDP
90	204/2006	He was suspended and D/E initiated vide order No.801-09/Reader dated 30.03.06.
91	205/2006	Absent period w.e.f. 21.02.06 to 24.02.06 = 04 days treated as NDP
92	725/2006	Absent period w.e.f. 23.09.06 to 10.11.06 = 49 days treated as NDP
93	726/2006	Absent period w.e.f. 13.09.06 to 14.09.06 = 01 day treated as NDP
94	737/2006	Absent period w.e.f. 14.03.06 to 15.03.06 = 01 day treated as NDP
95	28/2007	Departmental Enquiry was initiated due to registration of case.
96	69/2007	Absent period w.e.f. 01.01.07 to 02.01.07 = 01 day treated as NDP
97	69/2007	Absent period w.e.f. 20.12.06 to 20.12.06 = 01 day treated as NDP
98	69/2007	Absent period w.e.f. 04.01.07 to 09.01.07 = 05 days treated as NDP
99	152/2007	Absent period w.e.f. 21.01.07 to 23.01.07 = 03 days treated as NDP
100	152/2007	Absent period w.e.f. 14.01.07 to 16.01.07 = 03 days treated as NDP
101	152/2007	Absent period w.e.f. 29.01.07 to 31.01.07 = 02 days treated as NDP
102	197/2007	Absent period w.e.f. 04.02.07 to 16.02.07 = 12 days treated as NDP
103	231/2007	Absent period w.e.f. 23.03.07 to 26.07.07 = 05 days treated as NDP
104	231/2007	Absent period w.e.f. 25.07.07 to 27.03.07 = 04 days treated as NDP
105	231/2007	Absent period w.e.f. 12.03.07 to 15.03.07 = 05 days treated as NDP
106	247/2007	Absent period w.e.f. 01.03.07 to 06.03.07 = 05 days treated as NDP
107	255/2007	Absent period w.e.f. 25.02.07 to 25.02.07 = 01 day treated as NDP

108	268/2007	Absent period w.e.f. 12.04.07 to 13.04.07 = 01 day treated as NDP
109	309/2007	Absent period w.e.f. 20.04.07 to 21.04.07 = 01 day treated as NDP
110	315/2007	Absent period w.e.f. 02.05.07 to 09.05.07 = 08 days treated as NDP
111	324/2007	Absent period w.e.f. 18.05.07 to 18.05.07 = 01 day treated as NDP
112	359/2007	Absent period w.e.f. 23.05.07 to 23.05.07 = 01 day treated as NDP
113	354/2007	Absent period w.e.f. 01.06.07 to 13.06.07 = 13 days treated as NDP
114	456/2007	Absent period w.e.f. 18.06.07 to 19.06.07 = 01 days treated as NDP
115	456/2007	Absent period w.e.f. 29.07.07 to 10.08.07 = 13 days treated as NDP
116	456/2007	Absent period w.e.f. 06.07.07 to 20.07.07 = 15 days treated as NDP
117	456/2007	Absent period w.e.f. 21.07.07 to 25.07.07 = 04 days treated as NDP
118	485/2007	His absent period w.e.f. 24.03.16 to 26.03.06 and 01.08.06 to 29.08.06 = 29 days treated as NDP and his Judicial custody period = 128 days will be decided after the outcome of Hon'ble Court orders.
119	500/2007	Absent period w.e.f. 23.08.07 to 28.08.07 = 05 days treated as NDP
120	500/2007	Absent period w.e.f. 29.08.07 to 31.08.07 = 02 days treated as NDP
121	--	His appeal was rejected by DGP Punjab Chandigarh vide his office order No.2486/E-2(2) dated 22.02.13
122	327/2014	His Revision-cum-Mercy Petition was rejected vide Punjab Govt. Order dated 17.06.14

21. Even if the aforesaid punishments on previous occasions are not taken into account, still the absence of the petitioner for about one month without any justifiable reason cannot be taken lightly, particularly having regard to the fact that the petitioner was serving department of police i.e. a disciplined force.

22. This Court in a recent judgment delivered on 30.5.2023 in RSA No. 990 of 1997 titled as State of Haryana through Collector Gurgaon and others

versus Rajinder Singh Ex-Constable No.1118/Faridabad, while dealing with a similar matter held as under :-

“18. In this regard, it may be noticed that once as per the settled principles of law, unauthorized absence from duty is held to be a gravest act of misconduct, whether it is mentioned in the order or not that unauthorized absence from duty is a grave misconduct, said omission in the order of punishment will not be a ground to treat the said order of punishment as arbitrary or illegal. It is a conceded position that keeping in view the judgment of Hon’ble Supreme Court in Civil Appeal No.9997 of 1995 decided on 10.11.1995, titled as **State of U.P. Vs. Ashok Kumar Singh**, the absence from duty is a gravest act of misconduct if the officer employed is a member of a disciplined force and for the said misconduct, the punishment of dismissal can be imposed.....”

23. Apart from the discussion made above wherein this Court finds that there is no infirmity in the order passed by the punishing authority, which has been upheld by the appellate authority, another aspect which also weighs against the petitioner is that the instant petition would also be hit by delay and latches inasmuch as the petitioner has approached this Court after more than 3 years of attaining of finality of dismissal order without furnishing any explanation for the same.

24. The petition is, thus, found to be sans merit and the same is hereby dismissed.

29.8.2023

kamal

(Gurvinder Singh Gill)
Judge

Whether speaking /reasoned
Whether Reportable

Yes / No
Yes / No