

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

145

2023:PHHC:105570

**RSA-584-2020(O&M)
Date of decision: 16.08.2023**

RAVINDER PARKASH

..Appellant

Versus

THE DIRECTOR GENERAL OF POLICE & ORS ..Respondents

CORAM: HON'BLE MR. JUSTICE ANIL KSHETARPAL

Present: Mr. Chander Shekhar, Advocate
 for the appellant.

Mr. Sandeep Chopra, DAG, Punjab.

ANIL KSHETARPAL, J(Oral)

1. The correctness of the concurrent findings of fact is challenged by the plaintiff in the second appeal.

2. The appellant was dismissed from service on account of continuous absence from the duty. He was a member of disciplinary force. Previously also, his work and conduct was found unsatisfactory and his 9 years service had been forfeited. It was found that the appellant was posted as Guard but he left the place without permission or intimation to his superiors. In the departmental inquiry, the charges against the appellant were proved. Ultimately, the disciplinary authority dismissed him from service vide order dated 26.09.1997. He filed the appeal, which was also dismissed. Thereafter, he filed mercy petition before the Home Department, which was also rejected in the year 2001. He filed the suit in the year 2011. Both the Courts have found that not only the suit filed by the plaintiff is beyond the prescribed time but he is also a habitual absentee.

3. The learned counsel representing the appellant contends that in the year 2005, he sought information with regard to his mercy petition and

he was informed that the record in the aforesaid case is yet to be requisitioned. He submits that the Courts have wrongly dismissed the suit being beyond the prescribed time.

4. This Court has considered the submissions.

5. On being requested, the learned counsel representing the appellant admits that before the First Appellate Court, the appellant never pressed this issue. Moreover, the appellant has been found to have absented himself from the duty continuously. From 09.09.1992, he was absent upto 02.11.1992. After a period of 3 days, he again absented himself from 05.11.1992 to 25.08.1993. After joining the duty for nearly 10 days, he was again absent from 04.09.1993 to 11.11.1994. Thereafter, he repeated being again absent from 05.12.1994 till 26.09.1995.

6. In view of the aforesaid facts, no ground to interfere is made out.

7. Dismissed accordingly.

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

August 16th, 2023

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(ANIL KSHETARPAL)
JUDGE

Whether speaking/reasoned : Yes/No
Whether reportable : Yes/No