

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

RSA NO.9844 of 2018(O&M)

Date of Order:15.09.2023

Jora Singh**.Appellant****Versus****State of Punjab and another****..Respondents****CORAM: HON'BLE MR. JUSTICE ANIL KSHETARPAL****Present: Mr. Kamaldip Singh Sidhu, Advocate
for the appellant.****Mr. Ajit Singh Natt, AAG, Punjab****ANIL KSHETARPAL, J**

1. The correctness of the concurrent findings of fact arrived at by the courts below is assailed in this second appeal by the plaintiff.
2. The plaintiff's suit for grant of decree of declaration that the order imposing major punishment of forfeiture of one year service vide order dated 01.12.2009, which has been upheld in an appeal by the Deputy Inspector General on 12.07.2010 and further approved by the Inspector general of Police on 11.12.2015, is illegal, null and void, has been dismissed.
3. It has come on record that the plaintiff in connivance with Head Constable (P) Sukhjinder Kumar made a wrong entry regrading passing of Reorientation Course Jahan Khelan and Anti Sabotage Course Manesar in the hand book while being posted in Saina Branch. After holding departmental inquiry in which opinion of the Forensic Science Laboratory was also sought. The disciplinary authority held that the factually wrong entry is in the hands of the appellant. Thus, the order of punishment was

passed.

4. Both the courts on appreciation of the evidence have found that there is no error in the order of punishing authority.

5. This Bench has heard the learned counsel representing the parties at length and with their able assistance perused the paper book.

6. The learned counsel representing the petitioner submits that the punishment is harsh and there was an inadvertent mistake on the part of the appellant and he could be warned for such mistake.

7. This court has considered the submissions of the learned counsel representing the appellant.

8. The appellant is a member of the disciplinary force. It has been found by the disciplinary authority that the entry was made in connivance with another colleague. Moreover, the Civil Court does not sit in appeal against the orders passed by the punishing authorities.

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.

September 15, 2023
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(ANIL KSHETARPAL)
JUDGE

Whether speaking/reasoned
Whether reportable

:YES/NO
:YES/NO