

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

116

CWP-1098-2024
Date of Decision: 09.02.2024

GURMEET SINGH AND ANOTHER ...PETITIONERS

Versus

STATE OF PUNJAB AND OTHERS --- RESPONDENTS

CORAM: HON'BLE MR. JUSTICE JAGMOHAN BANSAL

Present : Ms. Kavita Arora, Advocate
for the petitioners.

Mr. Inderpreet Singh Kang, AAG, Punjab.

JAGMOHAN BANSAL, J. (Oral)

1. The petitioners through instant petition under Articles 226/227 of the Constitution of India are seeking setting aside of order dated 17.07.2019 (Annexure P-6) whereby mercy appeal filed against order dated 28.01.2014 (Annexure P-2) has been dismissed.
2. The petitioners, vide order dated 28.01.2014, were subjected to punishment of forfeiture of 05 years service for increment on permanent basis. The petitioners, during 11.07.2012 to 16.03.2013, remained under suspension and the said period was declared as non-qualifying service.
3. The petitioners, in 1986, joined respondent-department as Constables. The petitioners were assigned duty to produce an accused namely Paras before Rohini Court, New Delhi. The said accused escaped from the custody of the petitioners. The departmental enquiry was initiated against the petitioners which culminated into order dated 28.01.2014 whereby they were subjected to afore-stated punishment. An FIR No.225

dated 09.07.2012, under Sections 120, 223, 225, 328 and 34 of IPC was registered against the petitioners at Police Station Sarai Rohilla, Delhi. The petitioners came to be convicted under Section 223 of IPC vide judgment dated 17.08.2018, however, they were released on probation. The petitioners filed mercy appeal before the Appellate Authority and Inspector General of Police, Ferozepur Range, Ferozepur Cantt. vide order dated 17.07.2019 dismissed the same.

4. Learned counsel for the petitioners submits that respondents may be directed to decide representation dated 22.03.2023 (Annexure P-9) of the petitioners in a time bound manner. She further submits that respondents may be asked to take a sympathetic view.

5. Notice of motion.

6. Mr. Inderpreet Singh Kang, AAG, Punjab, accepts notice on behalf of the respondents and waives service.

7. With the consent of both sides, the petition is taken up for final disposal.

8. Without commenting upon the merits of the case, the petition stands disposed of with a request to respondents to consider representation of the petitioners in accordance with law.

(JAGMOHAN BANSAL)
JUDGE

09.02.2024
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<i>Whether speaking/reasoned</i>	<i>Yes</i>
<i>Whether reportable</i>	<i>No</i>