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

CWP-1791-2024**Date of Decision:09.09.2024****CHANDAN SHAH**

..... Petitioner

*Versus***STATE OF PUNJAB AND OTHERS**

..... Respondents

CORAM: HON'BLE MR. JUSTICE JAGMOHAN BANSAL

Present : Mr. Dharam Vir Sharma, Sr. Advocate with
Ms. Sunder Kumari, Advocate
for the petitioner.

JAGMOHAN BANSAL, J. (Oral)

1. The petitioner through instant petition under Articles 226/227 of the Constitution of India is seeking setting aside of order dated 08.05.2023 (Annexure P-28) passed by respondent whereby review application of the petitioner has been dismissed. He is further seeking modification of order dated 26.03.2018 (Annexure P-23) whereby respondent substituted punishment of dismissal by forfeiture of 5 years' service.

2. Mr. Dharam Vir Sharma, Sr. Advocate for the petitioner submits that all the proceedings initiated by respondent were bad in the eye of law because respondent did not follow mandate of Rule 16.38. The said provision is mandatory provision.

3. The foundation of entire proceedings is order dated 26.03.2018 (Annexure P-23) passed by DGP whereby punishment of dismissal from service was substituted by forfeiture of 5 years' service.

The said order was passed in 2018 and it was never challenged. The petitioner came to be reinstated in view of said order. The petitioner with intent to get rid of punishment of forfeiture of 5 years’ service, made representations to authorities which are not recognized by any provision of Punjab Police Rules. The impugned order was passed in 2018 whereby petitioner was reinstated and he has already enjoyed the fruits arising out of said order.

4. This Court does not find it appropriate to invoke its writ jurisdiction after the expiry of 6 years from the date of passing of impugned order.

5. Dismissed.

(JAGMOHAN BANSAL)
JUDGE

09.09.2024
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Whether speaking/reasoned	Yes/No
<i>Whether Reportable</i>	<i>Yes/No</i>