

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

RSA-1987 of 1999 (O&M)
Date of decision: 18.04.2024

State of Punjab and others

.....Appellants

Versus

Shri Pushpinder Pal Singh

.....Respondent

CORAM: HON'BLE MR. JUSTICE NAMIT KUMAR

Present: - Mr. Teevar Sharma, AAG, Punjab.

Mr. M.K. Dogra, Advocate,
for the respondent.

NAMIT KUMAR, J.

1. This Regular Second Appeal is directed against the judgment and decree dated 12.04.1997 passed by the Court of learned Civil Judge (Senior Division), Gurdaspur, whereby suit for declaration filed by the respondent-plaintiff for declaration was decreed as well as against the judgment and decree dated 18.01.1999, passed by the Court of learned Additional District Judge, Gurdaspur, whereby appeal filed by the appellants-defendants against the judgment and decree dated 12.04.1997, has been dismissed.

2. For convenience sake, reference to parties is being made as per their status in the civil suit. Brief facts of the case are that plaintiff was appointed in the Punjab Police Force as probationer ASI.

While posted in Police District Hoshiarpur, plaintiff was issued a

charge-sheet on certain allegations to which plaintiff submitted his reply. Thereafter, plaintiff was served with show-cause notice by the punishing authority and he submitted his reply to the same. Thereafter, punishing authority vide order dated 14.11.1988 forfeited two years approved service of the plaintiff with permanent effect. Plaintiff filed a suit for declaration to the effect that order dated 14.11.1988 forfeiting his two years' approved service with permanent effect was illegal, unlawful and against the principles of natural justice and rules. Trial Court relying upon the judgment of this Court in ***State of Punjab v. Joginder Singh, 1992(3) SCT 671*** decreed the suit of the plaintiff vide judgment and decree dated 12.04.1997. Aggrieved against the judgment and decree dated 12.04.1997, defendants preferred an appeal, which was also dismissed by the lower Appellate Court relying upon ***Joginder Singh's*** case (supra) vide judgment and decree dated 18.01.1999. Hence, this appeal by the defendants.

3. Learned counsel for the appellants-State submits that decision rendered by this Court in ***Joginder Singh's*** case (supra) has been set aside by a Division Bench of this Court in ***CWP-19730 of 2004 – Ranjit Singh v. State of Punjab and others decided on 14.09.2006***.

4. Learned counsel for the respondent could not dispute the preposition that the judgment in ***Joginder Singh's*** case (supra) relied upon by Courts below has been over-ruled.

5. Keeping in view that the controversy in the present case is fully covered by the decision of this Court in ***Ranjit Singh's*** case

(supra), whereby judgment in the case of *Joginder Singh* (supra), relied upon by both the Courts below, has been over-ruled, present appeal is allowed accordingly. Decree-sheet be drawn accordingly.

6. Pending application(s), if any, stand disposed of accordingly.

18.04.2024
R.S.

(NAMIT KUMAR)
JUDGE

Whether speaking/reasoned

:

Yes/No

Whether Reportable

:

Yes/No