



CWP-13900-1999

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288

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

CWP-13900-1999**Date of Decision:25.07.2024****MOHAN SINGH**

..... Petitioner

*Versus***STATE OF PUNJAB AND ORS.**

..... Respondents

CORAM: HON'BLE MR. JUSTICE JAGMOHAN BANSAL

Present : Mr. Samrat Malik, Advocate
for the petitioner.

Mr. Rohit Ahuja, DAG, Punjab.

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 08.03.1999 (Annexure P-1) whereby he was dismissed from service. He is further seeking direction to respondent to reinstate him with all consequential benefits.

2. The petitioner was appointed as Special Police Officer (for short 'SPO') on 08.10.1994. The State Government time to time designated SPOs as Constables. The petitioner also participated in the process of appointment of Constables, however, prior to his appointment as Constable, he came to be dismissed vide order dated 08.03.1999 (Annexure P-1) passed by Superintendent of Police, Bathinda. From the perusal of paper book, it appears that he preferred an appeal before the Appellate Authority, however, there is no order of Appellate Authority on record.



3. Mr. Samrat Malik, Advocate submits that impugned order was passed in violation of principles of natural justice as well as Rule 16.2 read with Article 311 of the Constitution of India. He was discriminated. Four employees were accused of alleged offence, however, Jurisdictional Authority dismissed petitioner and another SPO, however, two other regular employees were not dismissed from service.

4. Per contra, Mr. Rohit Ahuja, DAG, Punjab submits that petitioner and another SPO were daily wagers. They were not holding regular post and they were not governed by Punjab Police Rules, 1934 thus, Rule 16.2 of Punjab Police Rules, 1934 as well as Article 311 of the Constitution of India was not applicable. Regular employees were also subjected to punishment other than dismissal from service.

In support of his arguments, he relied upon judgment of Division Bench of this Court in '**Raminder Singh Vs. State of Punjab and others**' 2003 (1) SCT 778 and '**Parveen Kumar Vs. State of Punjab**' 2001 (2) SCT 527.

5. I have heard the arguments and perused the record.

6. It is undisputed fact that petitioner was not a regular employee and was a daily wager. As per terms and conditions of appointment letter, he could be discharged from service at any point of time. He is primarily claiming violation of procedure prescribed under Punjab Police Rules, 1934 and Article 311 of the Constitution of India. He was neither governed by procedure prescribed under Punjab Police Rules, 1934 nor by Article 311 of the Constitution of India, thus, the respondent authorities were not required to follow the procedure prescribed under the Rules as well as Article 311 of the Constitution of



India. He was dismissed from service and in the dismissal order, the Competent Authority has recorded reasons. As he was not a regular employee and governed by Punjab Police Rules, he cannot claim that he was dismissed from service without compliance of procedure prescribed under Punjab Police Rules, 1934.

Besides aforesaid facts, it is apt to notice that petitioner was dismissed from service on 08.03.1999 (Annexure P-1) and period of more than two decades has passed away. As he was not holding a regular post, it would not be just and fair to reinstate him after the expiry of 25 years from the date of dismissal.

7. In the wake of above discussion and findings, this Court is of the considered opinion that present petition being bereft of merit deserves to be dismissed and accordingly dismissed.

(JAGMOHAN BANSAL)
JUDGE

25.07.2024
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Whether speaking/reasoned	Yes/No
Whether Reportable	Yes/No