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IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

1)

CWP-11710-2020
Date of Decision:10.01.2024

BALBIR SINGH

..... Petitioner

Versus

STATE OF PUNJAB AND OTHERS

..... Respondents

2)

CWP-11732-2020

ARJAN SINGH

.....Petitioner

Versus

STATE OF PUNJAB AND OTHERS

.....Respondents

3)

CWP-27322-2019

NISHAN SINGH

.....Petitioner

Versus

STATE OF PUNJAB AND OTHERS

.....Respondents

CORAM: HON'BLE MR. JUSTICE JAGMOHAN BANSAL

Present : Mr. Anupam Bhardwaj, Advocate
for the petitioner in CWP-11710-2020.

Mr. K.S. Kang, Advocate
for the petitioner in CWP-11732-2020.

Mr. Vikas Gupta, Advocate
for the petitioner in CWP-27322-2019.

Mr. Inderpreet Singh Kang, AAG, Punjab.

JAGMOHAN BANSAL, J. (Oral)

1. By this common order CWP-11710-2020, CWP-11732-2020
and CWP-27322-2019 are hereby disposed of since issue involved in all
the petitions and prayer sought are common. With the consent of parties

and for the sake of brevity, facts are borrowed from CWP-11710-2020.

2. The petitioner through instant petition under Articles 226/227 of the Constitution of India is seeking direction to respondents to reinstate him in view of his acquittal vide judgment dated 09.04.2010 (Annexure P-2) passed by a Division Bench of this Court in Crl. Appeal No.942 of 2009.

3. The petitioner joined Punjab Police as Constable and he came to be dismissed vide order dated 10.10.2005 passed by Senior Superintending of Police, Tarn Taran (Punjab). The enquiry was dispensed with invoking Clause (b) of proviso to Article 311 (2) of Constitution of India. The petitioner unsuccessfully preferred appeal before Appellate Authority. An FIR was registered against the petitioner. The petitioner came to be convicted vide judgment dated 12.02.2009 passed by Additional Sessions Judge, Amritsar. The petitioner as well as co-accused preferred appeal before this Court which came up for consideration before a Division Bench of this Court which vide judgment dated 09.04.2010 set aside judgment of conviction dated 12.02.2009. The respondent-State preferred Special Leave Petition before Supreme Court which came to be dismissed vide order dated 23.02.2018. After dismissal of Special Leave Petition, the petitioner filed representation dated 19.05.2020 before DGP, Punjab seeking his reinstatement.

4. Learned counsels for the petitioners submit that in view of proviso to Sub-Rule (2) of Rule 16.2 of Punjab Police Rules, 1934, the Appointing Authority after setting aside of judgment of conviction by High Court was duty bound to review case of the petitioners.

5. Learned State counsel expressed his inability to controvert

applicability of aforesaid proviso to the present case.

6. Rule 16.2 of Punjab Police Rules, 1934 is reproduced as below:

“16 . 2 . Dismissal-(1) Dismissal shall be awarded only for the gravest acts of misconduct or as the cumulative effect of continued misconduct proving incorrigibility and complete unfitness for police service. In making such an award regard shall be had to the length of service of the offender and his claim to pension.

(2) If the conduct of an enrolled police officer leads to his conviction on a criminal charge and he is sentenced to imprisonment, he shall be dismissed:

Provided that a punishing authority may, in an exceptional case involving manifestly extenuating circumstances for reasons to be recorded and with the prior approval of the next higher authority impose any punishment other than that of dismissal:

Provided further that in case the conviction of an enrolled police officer is set aside in appeal or revision, the officer empowered to appoint him shall review his case keeping in view the instructions issued by the Government from time to time in this behalf.

(3) When a police officer is convicted judicially and dismissed or dismissed as a result of a departmental enquiry, in consequence of corrupt practices, the conviction and dismissal and its cause shall be published in the Police Gazette. In other cases of dismissal when it is desired to ensure that the officer dismissed shall not be re-employed elsewhere, a full descriptive roll, with particulars of the punishments, shall be sent for publication in the Police Gazette.”

7. The petitioners were convicted by Trial Court, however, a Division Bench of this Court in appeal has set aside judgment of

conviction. SLP filed by State stands dismissed.

In view of afore-cited proviso of Rule 16.2 of Punjab Police Rules, the Appointing Authority was duty bound to review case of the petitioner.

8. In the wake of mandate of proviso to Sub-Rule 2 of Rule 16.2 of Punjab Police Rules, the respondent is hereby directed to review case of the petitioners. The needful shall be done within 6 months from today.

9. Disposed of in the above terms.

(JAGMOHAN BANSAL)
JUDGE

10.01.2024
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Whether speaking/reasoned	Yes/No
<i>Whether Reportable</i>	<i>Yes/No</i>