



CWP-11688-2024

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

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CWP-11688-2024

Date of Decision: 18.05.2024

Tehal Singh

...Petitioner

**Versus**

State of Punjab and others

...Respondents

**CORAM: HON'BLE MR. JUSTICE JAGMOHAN BANSAL**

Present:- Mr. Parminder Singh Sekhon, Advocate for the petitioner

Mr. Aman Dhir, Deputy Advocate General, Punjab

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**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 24.04.2024 (Annexure P-9) whereby his appeal has been rejected.

2. This Court vide order dated 13.03.2024 (Annexure P-8) in CWP No.5789 of 2024 directed the respondents to pass fresh order in terms of Rule 16.3 of Punjab Police Rules, 1934. The relevant extracts of the said order read as:-

*“9. From the perusal of impugned orders and facts on record, it is evident that appellate authority had no opportunity to advert with Rule 16.3 of 1934 Rules while passing said order. Rule 16.3 of 1934 Rules is directly applicable to every departmental proceedings as soon as criminal proceedings are dropped. The competent authority is duty bound to ascertain*



*applicability of Rule 16.3 of 1934 Rules in the departmental proceedings. As the appellate authority has not adverted with Rule 16.3 of 1934 Rules while passing impugned orders, the impugned orders dated 17.06.2019 (Annexure P-3), order dated 11.10.2019 (Annexure P-4) and order dated 02.07.2020 (Annexure P-5) deserve to be set aside and accordingly set aside. To cut short the litigation, instead of disciplinary authority, the appellate authority is directed to pass a fresh order within three months from today.”*

3. The respondent in compliance of aforesaid order has passed impugned order. The relevant extracts of the order dated 24.04.2024 are reproduced as below:-

*“7. That the appellant/petitioner Ex-ASI/LR Tehal Singh No.1947/PTL has filed a Civil Writ Petition no 5789 of 2024 in the Hon’ble Punjab & Haryana High Court for his reinstatement in service. Where in the Hon’ble High Court vide order dated 13-03-2024 has directed this office to pass fresh orders while adverting to Rule No. 16.3 of Punjab police Rules 1934. The present appeal has examined in this office from all legal aspects in the light of the orders of Hon’ble High Court and also as per the provision of Rule 16.3 of The Punjab Police Rules. The present appellant case falls under the sub rule (1) (a) (b) of Rule 16.3 of The Punjab Police Rules. Therefore, after consideration of the present case of the appellant in the totality the appeal is hereby rejected.”*

4. On being pointed out, Mr. Aman Dhir, Deputy Advocate General, Punjab expressed his inability to controvert the fact that respondent while passing impugned order has quoted Rule 16.3 of 1934 Rules, however, has not disclosed how clause (a) or (b) of sub-rule (1) of Rule 16.3 is applicable.

5. In the above premise, this Court is of the considered opinion that present petition deserves to be allowed and accordingly allowed. The impugned order dated 24.04.2024 (Annexure P-9) is hereby set aside and respondent is hereby directed to pass a fresh speaking order within three months from today.

18.05.2024  
Mohit Kumar

(JAGMOHAN BANSAL)  
JUDGE

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|---------------------------|--------|
| Whether speaking/reasoned | Yes/No |
| Whether reportable        | Yes/No |