



**IOIN-RSA-3553-2005 in/and
RSA-3553-2005**

-1-

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

223

**IOIN-RSA-3553-2005 in/and
RSA-3553-2005
Date of decision:21.05.2024**

EX. CONSTABLE MEHAR CHAND

...APPELLANT

VS.

THE STATE OF HARYANA & ORS

...RESPONDENTS

CORAM: HON'BLE MR. JUSTICE SUVIR SEHGAL

Present: None for the appellant.

Mr. Sharad Aggarwal, DAG, Haryana.

SUVIR SEHGAL J. (ORAL)

IOIN-RSA-3553-2005

1. Mr. Sharad Aggarwal, DAG, Haryana, is appearing for the respondents.
2. Service is complete.
3. IOIN is disposed of.
4. Main case is ordered to be taken on Board.

Main Case

5. By way of instant second appeal, plaintiff-appellant has approached this Court assailing judgment and decree dated 01.06.2005



**IOIN-RSA-3553-2005 in/and
RSA-3553-2005**

-2-

passed by the Lower Appellate Court, whereby the judgment and decree of the Trial Court has been modified.

6. Plaintiff-respondent had filed a suit for declaration to the effect that orders dated 27.01.1992 and 26.11.1992, are illegal null and void. The suit was accepted by the Trial Court by judgment and decree dated 30.03.2005 and the defendants were directed to re-consider the question of imposing suitable punishment while ensuring that he does not loose the retiral benefits. A decree was also passed against the defendants directing them to pay 50% backwages, which has been set aside by the learned Additional District Judge, while modifying the judgment and decree passed by the Trial Court.

7. Pursuant to the previous order passed by this Court, an affidavit of Sh. Deepak Kumar Jewaria, IPS, Deputy Commissioner of Police, Headquarters, Gurugram, has been filed on behalf of the respondents, wherein it has been submitted that in compliance of the impugned judgments and decrees, a fresh show cause notice dated 19.08.2005, Annexure R-4, was issued to the plaintiff-respondent, to which, he submitted his reply. After considering his response and affording him an opportunity of personal hearing, order dated 07.09.2005, Annexure R-1, was passed imposing penalty of stoppage of two future increments with permanent effect. It has been further submitted that an appeal was filed by the plaintiff-respondent stood rejected by order dated 18.04.2006, Annexure R-5, and even the revision filed by him, was dismissed on 30.01.2007, Annexure R-6. Still further,

it has been submitted that the absence period of two years was treated as *dies non*. However, the period from 27.01.1992 to 05.08.2005 has been counted as qualifying service for the purposes of retiral benefits. It has been further deposed that the plaintiff-respondent has retired from service on attaining the age of superannuation on 30.06.2008.

8. In view of the above development, nothing worthwhile survives for consideration in the appeal, which is disposed of.

9. Pending miscellaneous application(s), if any, shall also stand disposed of.

21.05.2024
sheetal

(SUVIR SEHGAL)
JUDGE

Whether Speaking/Reasoned	Yes/No
Whether Reportable	Yes/No