

CWP-28436-2018

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IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

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CWP-28436-2018
Date of Decision: 16.02.2024

Hardeep Singh ...Petitioner

Versus

State of Punjab and others ...Respondents

CORAM: HON'BLE MR. JUSTICE JAGMOHAN BANSAL

Present:- Mr. R.K. Arora, Advocate and
Mr. Jugam Arora, Advocate for the petitioner
Mr. Pawan Kumar, Deputy Advocate General, 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:-

- i. order dated 29.10.2009 (Annexure P-2) whereby petitioner has been dismissed from service;
- ii. order dated 23.07.2018 (Annexure P-10) whereby appeal of the petitioner has been dismissed; and
- iii. communication dated 25.07.2018 (Annexure P-11) whereby representation of the petitioner for reinstatement has been declined.

2. The petitioner on 18.11.1974 joined Punjab Police as Constable. From time to time, he was promoted and in 2004, he became Sub-Inspector. His date of retirement was 31.05.2013. The petitioner came to be implicated

in Complaint No.31 dated 01.10.2001 under Section 302 read with Section 34 of Indian Penal Code, 1860 (for short 'IPC'). The petitioner faced criminal trial and he was convicted vide judgment dated 10.09.2009 passed by Sessions Judge, Faridkot. He was awarded sentence of life imprisonment. The petitioner preferred an appeal before this Court which vide judgment dated 05.05.2010 (Annexure P-1) converted sentence of life imprisonment into five years imprisonment under Section 306 of IPC.

3. The Senior Superintendent of Police, Faridkot vide order dated 29.10.2009 (Annexure P-2) dismissed the petitioner from service. He was dismissed on the basis of judgment of conviction. He, at that point of time, was confined in Central Jail, Faridkot. The petitioner preferred an appeal against order of dismissal before the Appellate Authority which came up for consideration before Inspector General of Police, Ferozepur, Ferozepur Cantt., who vide order dated 23.07.2018 (Annexure P-10) dismissed appeal of the petitioner. The petitioner unsuccessfully made representations before authorities seeking reinstatement on the ground that High Court has modified his sentence and similarly situated persons have been visited with lesser punishment

4. Mr. R.K. Arora, Advocate submits that neither the petitioner was guilty of gravest misconduct nor was habitual offender, thus, he could not be dismissed from service. As per Rule 16.2 of the Punjab Police Rules, 1934 (for short '1934 Rules') a police officer may be dismissed from service if he is guilty of gravest misconduct or cumulative effect of misconduct of the officer amounts to incorrigibility and complete unfitness for police service.

The petitioner was convicted under Section 306 of IPC and he was finally

awarded sentence of five years imprisonment. The petitioner has already undergone awarded sentence and respondent has reinstated a number of similarly situated officers. The respondent has tried to distinguish case of the petitioner from others on the quantum of sentence. The petitioner cannot be discriminated on the ground of quantum of sentence. The respondent in the additional affidavit has accepted that many other officers have been reinstated though they were awarded sentence and had undergone awarded sentence. One officer was awarded sentence of life imprisonment still he was not dismissed from service.

In support of his contention, learned counsel for the petitioner relies upon judgment dated 03.07.2019 of this Court in ***Navjit Singh v. State of Punjab and others, CWP No.8877 of 2015*** and judgment of Supreme Court in ***Rajendra Yadav v. State of Madhya Pradesh and others, 2013 (3) SCC 73***.

5. *Per contra*, learned State counsel submits that petitioner was a police officer and he was governed by 1934 Rules which are in the form of a complete Code. The judgments relating to officials other than officials of Armed Forces cannot be relied upon. The petitioner is relying upon judgment of this Court in ***Navjit Singh (supra)*** which relates to an employee of Punjab State Power Corporation who was not governed by 1934 Rules. Sub-Rule (2) of Rule 16.2 of 1934 Rules categorically provides that if an officer is convicted, he is liable to be dismissed. There is no discretion with the authorities to retain an officer who has been convicted and sentenced to imprisonment on a criminal charge.

6. On being confronted with additional affidavit, learned State counsel conceded that few officers have been reinstated on the basis of quantum of sentence. One officer who was awarded life imprisonment was not reinstated whereas he was prematurely retired prior to his conviction. He further expressed his inability to controvert the fact that HC Gurmeet Singh No.500/Khanna was initially dismissed from service on the ground of conviction, however, his appeal was accepted and punishment of dismissal was converted into compulsory retirement.

7. I have heard the arguments of learned counsels for both sides and perused the record with their able assistance.

8. The conceded position emerging from record is that the petitioner in 2004 was posted with respondent-police department as Sub-Inspector. A criminal complaint alleging commission of an offence punishable under Section 302 read with Section 34 of IPC came to be filed against him. Learned Sessions Judge, Faridkot vide judgment dated 10.09.2009 held him guilty and awarded sentence of life imprisonment. He filed an appeal before this Court which modified judgment of conviction to the extent conviction was converted from Section 302 IPC to 306 IPC and sentence of life imprisonment was reduced to 5 years imprisonment. The Senior Superintendent of Police, Faridkot dismissed him from service. He unsuccessfully preferred appeal and representation before the Authorities. The petitioner has already undergone awarded sentence.

9. From the perusal of record and arguments of both sides, the following questions arise for adjudication:

- i. Whether an officer who has been convicted on a criminal charge and sentenced to imprisonment can be awarded any punishment other than dismissal from service?
- ii. Whether an officer despite conviction can be reinstated on the ground of parity?

10. The petitioner is claiming parity with other police officers who have been reinstated or compulsorily retired despite their conviction. In one case, punishment of dismissal was reduced to compulsory retirement by the appellate authority.

11. This Court vide order dated 24.01.2023 directed the respondents to file an affidavit as to how case of ASI Surinder Singh is different from petitioner. The order dated 24.01.2023 is reproduced as below:

“Learned counsel for the petitioner submits that the petitioner has been awarded extreme punishment of dismissal on the ground of his conviction for offence punishable under Section 506 IPC whereas similarly situated employees convicted for much graver offences have been treated with soft hands. Refers to specific pleadings made in para 16 of the writ petition to the following effect:-

“16. That apart from above, there are various instances in the Department where similar more convicted employees have been given much lesser punishments. The petitioner is annexing herewith copies of certain orders dated 20.06.2005 in respect of ASI Surinder Singh, 193/PR, ASI Gurmeet Singh, 2132/Batala, Head Constable Ajaib Singh, 629/Sri Muktsar Sahib, Sub Inspector Hukum Chand, 254/Ferozepur and Head Constable Bohar Singh, 581/Sri Muktsar Sahib, whereby similarly situated employees, who were convicted and

undergone imprisonments were either reinstated in service or given right of pension by imposing certain cut as Annexure P-13 (Collectively).”

The aforesaid assertions made in para 16 of the writ petition has been responded as under :-

“16. That in reply to contents of para no. 16 of the petition it is submitted that case of ASI Surinder Singh etc are quite different from the case of petitioner and not on similar footing.”

The reply is totally vague. Learned State counsel is directed to file specific affidavit as to how the case of ASI Surinder Singh is different from that of the petitioner especially in the light of Annexure P-14.

Adjourned to 12.07.2023.”

12. The respondent pursuant to aforesaid order has filed affidavit dated 19.01.2024 disclosing status of similarly situated employees. The respondent has accepted that despite conviction many officers including ASI Surinder Singh, ASI Gurmeet Singh, HC Ajaib Singh, SI Hukam Chand have not been dismissed. The respondent in one or another way has justified its conduct. The deposition qua ASI Surinder Singh and ASI Gurmeet Singh reads as:

*“i) **ASI Surinder Singh, No. 193/PR:-** It is respectfully submitted that a criminal case FIR No. 47 dated 20.04.1998 under section 302/364/201 IPC and 25/54/59 Arms Act, PS City Khanna was registered against ASI Surinder Singh No.193/P.R. His date of birth was 10.12.1947 and his date of appointment as constable was 06.06.1970. He had already completed 25 years` service and 50 years age. So, SSP Khanna reviewed his case and passed order of his premature retired vide order No.31245-51/CRC dated 29.08.1998. After his premature retirement, he was convicted on 22.02.2001, for life imprisonment by the Court of District and Session Judge,*

Ludhiana in a murder case. The State Govt. vide Memo No. 10/36/2002-5H3/2261 dated 20/30 June. 2005 awarded him punishment of 1/3rd cut in pension of ASI Surinder Singh, No. 193/PR, from the date of conviction (i.e. 22.02.2001). Whereas the petitioner was working as Sub Inspector (S.H.0) at the time of his conviction and he was convicted in a murder case, so, the petitioner was dismissed from service due to his conviction. It is further submitted that ASI Surinder Singh, No. 193/PR, was not convicted during his service period. He was convicted for life imprisonment on 22.02.2001 after his premature retirement. Hence case of the petitioner is different from ASI Surinder Singh No. 193/PR.

ii) ASI Gurmeet Singh No. 2132/Batala:- It is respectfully submitted that case of the petitioner is different from ASI Gurmit Singh No. 2132/Batala because the petitioner was awarded life imprisonment punishment in a murder case of a girl on 10.09.2009 by the learned Session Judge, Faridkot and in Criminal Appeals No. 888-DB of 2009 and 827 DB of 2009 sentence of life imprisonment was modified in RI for 5 years with fine of Rs. 25,000/-. Whereas, ASI Gurmit Singh No.2132/Batala was convicted along with Mohan Singh Constable No. 3369/BTL by the Court of Addl. Sessions Judge. Patiala vide Judgment dated 8.4.2005 in case FIR No. RC 18(S)/98-SIU.XV/Chg dated 4.9.98 under Section 120-B read with 364 & 365 IPC 120-B read with 364 & 342 IPC Police Station CBI, SPE, SIU XV, Chandigarh and was sentenced as follows:-

	U/s	R.I	Fine	In default of payment of fine
i)	U/s 365 IPC	Three Years	Rs.5000/-	RI for five months
ii)	u/s 120-B IPC	Two years	Rs.1000/-	RI for one month

It is further submitted that on account of conviction, ASI Gurmit Singh No. 2132/Batala was dismissed from service by SSP Batala vide order No.48724-29 dated 19.10.2008 and his appeal was rejected by DIG Border Range, Amritsar vide order

No. 2533/BR/PA dated 16.10.2009 and revision was rejected by IGP Border Range, Amritsar vide order No. A-1/3278 dated 19.2.2010. His Mercy petition was also rejected by the DGP, Punjab on 13.7.2010. He again submitted another representation dated 20.1.2011 to the DGP, Punjab for reviewing his case. The DGP Punjab taken lenient view and his mercy petition was partly accepted. His dismissal order No. 48724-29 dated 19.10.2008 was converted in to compulsory retirement vide order No.1712-15/E-II (I) dated 28.02.2011 (Annexure P-13 (condt...)). Case of the petitioner is different from ASI Gurmit Singh No. 2132/Batala because petitioner was sentenced 5 years imprisonment in Criminal Appeals No.888-DB of 2009 and 827-DB of 2009 whereas ASI Gurmit Singh No. 2132/Batala was sentenced three years imprisonment in criminal case.”

13. **Question No.1:-** Whether an officer who has been convicted on a criminal charge and sentenced to imprisonment can be awarded any punishment other than dismissal from service?

The petitioner is claiming that his conduct was neither gravest misconduct nor continued misconduct proving incorrigibility and complete unfitness for police service, thus, he could not be dismissed from service. The arguments of the petitioner need to be examined in the light of Rule 16.2 of 1934 Rules, which 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.”

14. The question of interpretation of Rule 16.2 of 1934 Rules came up before the Apex Court in ***State of Punjab v. Ram Singh, (1992) 4 SCC 54*** wherein it was held that an officer may be dismissed in two situations i.e. on account of gravest misconduct or cumulative effect of continued misconduct. A single act may constitute gravest misconduct. The colour of gravest misconduct must be gathered from the surroundings or attending circumstances. Taking into account long length of service and his entitlement to pension, an officer may be compulsorily retired. The relevant extracts of the said judgment read as:

“7. Rule 16.2(1) consists of two parts. The first part is referable to gravest acts of misconduct which entails awarding an order of dismissal. Undoubtedly there is distinction between gravest misconduct and grave misconduct. Before awarding an order of dismissal it shall be mandatory that dismissal order should be made only when there are gravest acts of misconduct, since it impinges upon the pensionary rights of the delinquent after putting long length of service. As stated the first part relates to gravest acts of misconduct. Under General Clauses Act singular includes plural, “act” includes acts. The contention that there must be plurality of acts of misconduct to award dismissal is fastidious. The word “acts” would include singular “act” as well. It is not the repetition of the acts complained of but its quality, insidious effect and gravity of situation that ensues from the offending ‘act’. The colour of the gravest act must be gathered from the surrounding or attending circumstances. Take for instance the delinquent who put in 29 years of continuous length of service and had unblemished record; in thirtieth year he commits defalcation of public money or fabricates false records to conceal misappropriation. He only committed once. Does it mean that he should not be inflicted with the punishment of dismissal but be allowed to continue in service for that year to enable him to get his full pension. The answer is obviously no. Therefore, a single act of corruption is sufficient to award an order of dismissal under the rule as gravest act of misconduct.

8. The second part of the rule connotes the cumulative effect of continued misconduct proving incorrigibility and complete unfitness for police service and that the length of service of the offender and his claim for pension should be taken into account in an appropriate case. The contention that both parts must be read together appears to us to be illogical. Second part is referable to a misconduct minor in character which does not by itself warrant an order of dismissal but due to continued acts of misconduct would have insidious cumulative effect on service morale and may be a ground to

take lenient view of giving an opportunity to reform. Despite giving such opportunities if the delinquent officer proved to be incorrigible and found completely unfit to remain in service then to maintain discipline in the service, instead of dismissing the delinquent officer, a lesser punishment of compulsory retirement or demotion to a lower grade or rank or removal from service without affecting his future chances of re-employment, if any, may meet the ends of justice. Take for instance the delinquent officer who is habitually absent from duty when required. Despite giving an opportunity to reform himself he continues to remain absent from duty off and on. He proved himself to be incorrigible and thereby unfit to continue in service. Therefore, taking into account his long length of service and his claim for pension he may be compulsorily retired from service so as to enable him to earn proportionate pension. The second part of the rule operates in that area. It may also be made clear that the very order of dismissal from service for gravest misconduct may entail forfeiture of all pensionary benefits. Therefore, the word 'or' cannot be read as "and". It must be disjunctive and independent. The common link that connects both clauses is "the gravest act/acts of misconduct".

15. A conspectus of Rule 16.2(1) of 1934 Rules and of afore-cited judgment reveals that a police officer may be dismissed from service subject to following circumstances and conditions:

- i. If the police officer is accused of gravest misconduct; or
- ii. The cumulative effect of continued misconduct proves that police officer is incorrigible and completely unfit for the service;
- iii. The authority passing order shall consider length of service as well as claim of pension;

- iv. Having regard to length of service and claim of pension, an employee instead of dismissal from service may be compulsorily retired.

16. The entire case of the petitioner is founded upon reading of Sub-Rule (1) of Rule 16.2. The case of the petitioner is not covered by Sub-Rule (1) whereas it falls within four corners of Sub-Rule (2) of said Rule. Sub-Rule (1) is a general rule which permits authorities to dismiss an officer on the occurrence of an event as contemplated therein. The said Rule is an open ended rule. It is a discretionary provision and discretion is always subject to judicial review. An officer may or may not be guilty of gravest misconduct. It is always subject to judicial review to ascertain whether the officer is guilty of gravest misconduct or not. The question whether an officer is guilty of cumulative effect of misconduct proving incorrigibility and complete unfitness is also a question of fact and has always remained subject matter of judicial review. Sub-Rule (2) carves out an exception to Sub-Rule (1) and in a way it is a proviso to Sub-Rule (1) which leaves no discretion with authorities and enjoins that an officer shall be liable to be dismissed if he has been convicted and sentenced to imprisonment on a criminal charge.

17. The expressions used in Sub-Rule (2) needs to be noticed. The legislature has used expression '*shall*' which indicates that there is no discretion with authorities in case of conviction. Expression '*criminal charge*' is preceded by expression '*on a*' which means that nature of charge is irrelevant. The officer may be guilty of an offence either committed in the discharge of duty or having no bearing with his official duties. In every case, where an officer is convicted and sentenced to imprisonment on a criminal

charge, he is liable to be dismissed. The proviso to said sub-rule is also important to be noticed. The proviso provides that if conviction is set aside in appeal or revision, the appointing authority shall review the case keeping in view the instructions issued by the Government.

18. It would also be relevant to notice Rule 16.3 of 1934 Rules. It provides that if a police officer is acquitted by criminal Court, he shall not be punished departmentally on the same charge or on a different charge upon the evidence cited in the criminal case. Rules 16.3 of 1934 Rules is reproduced as below:

“16.3. Action following on a judicial acquittal. –

(1) When a Police Officer has been tried and acquitted by a criminal court he shall be not be punished departmentally on the same charge or on a different charge upon the evidence cited in the criminal case, whether actually led or not, unless –

*(a) the criminal charge has failed on technical grounds;
or*

(b) in the opinion of the Court or of the Superintendent of Police, the prosecution witnesses have been won over; or

(c) the Court has held in its judgment that an offence was actually committed and that suspicion rests upon the police officer concerned; or

*(d) the evidence cited in the criminal case discloses facts unconnected with the charge before the court which justify departmental proceedings on a different charge;
or*

(e) additional evidence admissible under rule 16.25(1) in departmental proceedings is available.

(2) Departmental proceedings admissible under sub-rule (1) may be instituted against Lower Subordinates by the order of

the Superintendent of Police but may be taken against Upper Subordinates only with the sanction of Deputy Inspector General of Police, and a police officer against whom such action is admissible shall not be deemed to have been honorably acquitted for the purpose of rule 7.3 of the Civil Services Rules (Punjab), Volume I, Part I.”

19. The acquittal from criminal proceedings does not automatically entitle immunity from departmental action. A police officer may be subjected to departmental punishment despite acquittal in criminal proceedings as per exceptions carved out in Rule 16.3 of 1934 Rules. If acquittal is not based upon exceptions carved out in Rule 16.3 of 1934 Rules, a police officer is entitled to immunity from departmental action. The natural corollary is that if an officer is punished in criminal proceedings, he should be departmentally punished.

20. **Question No.2:-** Whether an officer despite conviction can be reinstated on the ground of parity?

It is settled proposition of law that for the same offence two persons cannot be visited with different yardsticks. If, for the same offence, one officer is awarded higher punishment than others, it amounts to violation of Articles 14 and 21 of Constitution of India. The contention of the petitioner to the extent that similarly situated persons cannot be visited with different punishment is sustainable, however, it needs to be noticed that there can be no equality or equity against law. If a person by mistake or against the law has been granted some concession, the Court cannot extend or ask the authorities to extend the same which is not permissible in law. The plea of discrimination is never available in an act of illegality. An illegal order cannot constitute the

basis for a legitimate complaint of discrimination. Thus, an illegal or unwarranted order cannot be made the basis of issuing a writ compelling an authority to repeat that illegality or to pass another unwarranted order. The extraordinary and discretionary power of the High Court cannot be exercised for such a purpose. Giving effect to such pleas would be prejudicial to the interests of law and will do incalculable mischief to public interest. It will be a negation of law and the rule of law.

21. In the wake of above discussion and findings, the above referred questions are answered as below:-

- i. A Police Officer who has been convicted on a criminal charge and sentenced to imprisonment cannot be awarded punishment less than dismissal from service. As per Sub-Rule (2) of Rule 16.2 of 1934 Rules, the Authorities have no option except to dismiss an employee who has been convicted and sentenced to imprisonment.
- ii. If an officer has been dismissed on the ground of conviction, he cannot claim parity with similarly situated employees because pre-mature retirement or reinstatement of an officer despite conviction is bad in the eye of law.

22. The Supreme Court in ***State of Madhya Pradesh and others v. Bhupendra Yadav, 2023 SCC Online SC 1181*** while dealing with question of appointment of officers of law enforcing agencies has held that standard of rectitude must be higher than other posts. The Court has held:

“24. The aforesaid aspects were rightly factored in by the appellant - State Government while issuing the communication dated 24th August, 20178 and declaring that the respondent was unfit for appointment to the said post. The yardstick to be applied in cases where the appointment sought relates to a Law Enforcement Agency, ought to be much more stringent than those applied to a routine vacancy. One must be mindful of the fact that once appointed to such a post, a responsibility would be cast on the respondent of maintaining law and order in the society, enforcing the law, dealing with arms and ammunitions, apprehending suspected criminals and protecting the life and property of the public at large. Therefore, the standard of rectitude to be applied to any person seeking appointment in a Law Enforcement Agency must always be higher and more rigorous for the simple reason that possession of a higher moral conduct is one of the basic requirements for appointment to a post as sensitive as that in the police service.”

23. A two-judge Bench of Supreme Court in ***Satish Chandra Yadav v. Union of India and others, 2023 (7) SCC 536*** has adverted with the question of appointment of a candidate against whom criminal case is pending/or was instituted. The Court has held that despite disclosure and acquittal in a criminal case, the employer may not retain an employee. In case of police force, matter should be thoroughly scrutinized by a designated officer because question of public confidence is involved. The relevant extracts of the judgment read as:

“93. In such circumstances, we undertook some exercise to shortlist the broad principles of law which should be made applicable to the litigations of the present nature. The principles are as follows:

93.1. Each case should be scrutinised thoroughly by the public employer concerned, through its designated officials — more so, in the case of recruitment for the Police Force, who are

under a duty to maintain order, and tackle lawlessness, since their ability to inspire public confidence is a bulwark to society's security. (See Raj Kumar [State v. Raj Kumar, (2021) 8 SCC 347 : (2021) 2 SCC (L&S) 745])

93.2. Even in a case where the employee has made declaration truthfully and correctly of a concluded criminal case, the employer still has the right to consider the antecedents, and cannot be compelled to appoint the candidate. The acquittal in a criminal case would not automatically entitle a candidate for appointment to the post. It would be still open to the employer to consider the antecedents and examine whether the candidate concerned is suitable and fit for appointment to the post.”

24. From the observation of Supreme Court in above cited judgments, it comes out that in case of appointment in Armed Forces, antecedents of candidates play vital role. Authorities cannot ignore criminal trial despite acquittal. If appointment of a candidate having criminal antecedents cannot be accepted, it would be travesty of justice and against the public law to continue a convicted officer.

25. In the case in hand, the petitioner was concededly convicted and finally sentenced to imprisonment of 5 years. The petitioner had undergone the said sentence. If the petitioner, on the ground of parity is reinstated, it would be in violation of mandate of Sub-Rule (2) of Rule 16.2 of 1934 Rules. This Court, on the ground of parity, cannot ask the respondents to violate the mandate of law. The language of Sub-Rule(2) of Rule 16.2 is unambiguous. Its even simple and literal meaning enjoin that as soon as an officer is convicted and awarded sentence, he cannot be retained in the force. There seems object of the said Rule. The police force is meant to maintain law and order. It commands respect. If an officer who has been convicted and

sentenced is retained in service, it would tarnish image of the force and shake faith of the public at large.

26. This Court in *CWP No.21796 of 2020* titled as *Amarjit Singh v. State of Punjab and others* has adverted with a similar issue. In the said writ petition, the same set of arguments were raised. The petitioner therein had placed on record examples of various police officers who had been reinstated or compulsorily retired despite their conviction and sentence. It appears that respondents are passing orders of reinstatement or compulsorily retirement in violation of mandate of 1934 Rules. There is need to re-look into the matter. The authorities, in future, are expected to take care of Sub-Rule(2) of Rule 16.2 of the 1934 Rules while adverting with question of dismissal or reinstatement or compulsory retirement of an officer who has been convicted and awarded sentence.

27. In the wake of mandate of Sub-Rule (2) of Rule 16.2 of Punjab Police Rules, 1934, this Court does not find any infirmity in the impugned orders, thus, refrain to ask the authorities to reinstate the petitioner.

28. In the wake of aforesaid 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

16.02.2024
Mohit Kumar

Whether speaking/reasoned	Yes/No
Whether reportable	Yes/No