

LPA-1931-2024 (O&M)

- 1-

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH.

143

LPA-1931-2024 (O&M)
Date of Decision: 20.08.2024.

Sukhpal Singh and others ...Appellants.

Versus

State of Punjab and othersRespondents.

CORAM: HON'BLE MRS. JUSTICE LISA GILL
HON'BLE MRS. JUSTICE SUKHVINDER KAUR

Present: Mr. J.P.S. Sidhu, Advocate
for the appellants.

Mr. Rohit Ahuja, DAG, Punjab.

Ms. Sehej Sandhawalia, Advocate
for respondents No.2 and 4.

Mr. Jashandeep Singh, Advocate
for respondent No.3.

LISA GILL, J. (Oral)

1. Prayer in this appeal is for setting aside order dated 22.07.2024, whereby CWP-16768-2024 filed by the present appellants/ writ petitioners was disposed of in view of the specific stand of writ petitioners as well as respondents.
2. CWP-16768-2024 was filed by appellants/ writ petitioners seeking setting aside of orders dated 15.07.2024 attached as Annexures P1

LPA-1931-2024 (O&M)

- 2-

to P6 with the writ petition, whereby writ petitioners had been repatriated to their parent department. It is observed in orders dated 15.07.2024 that complaint dated 10.07.2024 was received whereby conduct of petitioners was found to have damaged the reputation of the Department of Punjab Police and the action was found fit to be deprecated and in fact punishable in terms of Punjab Police Rules. It was stated that on enquiry being conducted, concerned employees (writ petitioners) were repatriated immediately to their parent department.

3. During the course of hearing before learned Single Bench, learned counsel for the petitioners stated that grievance of writ petitioners would be addressed if the Court observes that impugned orders dated 15.07.2024 are neither punitive nor stigmatic in nature. In response thereof, learned counsel for State as well as respondent-PSPCL stated that such prayer is not opposed. It is in view of the specific stand taken by the parties that writ petition was disposed of while declaring that impugned orders dated 15.07.2024 shall not be treated to be punitive or stigmatic in nature.

4. Learned counsel for appellants submits that once the orders are not to be treated as stigmatic or punitive, it was incumbent upon respondents to have cancelled repatriation of appellants to their parent department. However, their representation in this respect was rejected. CWP-18069-2024 challenging such rejection was however dismissed as withdrawn with liberty to petitioners to avail the remedy as available to them.

5. Learned counsel for appellants further submits that respondents

LPA-1931-2024 (O&M)

- 3-

despite their statement have continued to treat the orders to be stigmatic and punitive in nature as is reflected in show cause notice dated 19.07.2024 issued by parent department of appellants. It is thus prayed that this appeal be allowed, impugned order dated 22.07.2024 be set aside and writ petition be allowed as prayed for.

6. Learned counsel for respondents submits that in view of the specific stand taken by respondents and statement made accordingly before learned Single Bench, repatriation orders are not being treated as punitive or stigmatic in nature in any way.

7. Learned counsel for State submits that show cause notice dated 19.07.2024 was issued prior to passing of order dated 22.07.2024 and was never brought to notice of learned Single Bench and neither was it under challenge by appellants. Appellants have also not challenged show cause notice in subsequent writ petition i.e. CWP-18069-2024, however, it is stated by learned counsel for State, on instructions from Mr. Raminder Singh, Commandant, Ist IRB, Patiala that in view of order dated 22.07.2024 earlier show cause notice shall be withdrawn and fresh show cause notice be permitted to be issued.

9. Having heard learned counsel for the parties, we do not find any ground for setting aside order dated 22.07.2024 which was passed on the basis of categorical stand taken by appellants as well as respondents. It is not open to the appellants to now raise arguments on merits in appeal. By no stretch of imagination, can it be construed that appellants are entitled to withdrawal of repatriation orders in view of the stand of respondents before

LPA-1931-2024 (O&M)

- 4-

the writ Court that such orders shall not be treated to be stigmatic or punitive. Needless to say respondents shall withdraw show cause notice dated 12.07.2024 in consonance with the stand taken before us today. Respondents are at liberty to issue fresh show cause notice to appellants in accordance to the stand taken by them as reflected in order dated 22.07.2024 and in accordance with law.

10. With the said observations, appeal is accordingly dismissed being devoid of any merit.

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

(LISA GILL)
JUDGE

(SUKHVINDER KAUR)
JUDGE

20.08.2024.

komal

Whether speaking/ reasoned	:	Yes/ No
Whether Reportable	:	Yes/ No