



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

109

CWP-27655-2024

Date of decision: 29.10.2024

SHAMSHER SINGH

....PETITIONER

Vs.

STATE OF PUNJAB AND ORS

...RESPONDENTS

CORAM: HON'BLE MR. JUSTICE JAGMOHAN BANSAL

Present: Mr. Jasvir Singh Dhaliwal, Advocate
for the petitioner.

Mr. Aman Dhir, DAG, Punjab.

JAGMOHAN BANSAL, J (ORAL)

1. The petitioner through instant petition under Article 226 of the Constitution of India is seeking setting aside of order dated 26.02.2020 (Annexure P-1) whereby Senior Superintendent of Police, Mansa dismissed him from service; order dated 23.03.2021 (Annexure P-2) whereby Appellate Authority dismissed his appeal and order dated 02.11.2022 (Annexure P-3) whereby Director General of Police dismissed his petition.

2. The petitioner joined Punjab Police as Constable on 19.11.2014. During 2014 to 2018, he remained absent from duty for 654 days and respondents permanently forfeited his 6 years' of service. Despite repeated punishment on account of absence from duty, he opted to remain absent from 03.08.2018 to 26.02.2020. He was sent notices to join but he did not come forward which compelled SSP, Mansa to pass impugned order dismissing him from service. He unsuccessfully preferred appeals/petitions before higher authorities.

3. Mr. Jasvir Singh Dhaliwal, Advocate submits that there was no serious allegation against the petitioner except absence from duty, thus, lenient view was warranted. Petitioner’s case does not fall within the purview of Rule 16.2 of Punjab Police Rules, 1934, thus, he needs to be reinstated and impugned orders deserve to be set-aside.

4. From the perusal of impugned orders, it is quite evident that petitioner during his short period of service from 2014 to 2018 remained absent from duty for 654 days. He further remained absent from 03.08.2018 to 26.02.2020 i.e. for 1 year, 6 months and 23 days. Despite notice, he did not join.

The petitioner was part of police force. Discipline is paramount consideration in the Armed Forces. Absence from duty on one or another occasion which is beyond the control of employee can be ignored, however, a habitual absentee cannot be retained in the Armed Forces. The respondents have rightly dismissed petitioner from service. The conduct of petitioner falls within the expression ‘gravest misconduct’ warranting dismissal from service.

5. Dismissed.

29.10.2024
manoj

[JAGMOHAN BANSAL]
JUDGE

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