



126

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

CWP-2256-2025**Date of Decision:28.01.2025****HARBHAJAN SINGH**

..... Petitioner

*Versus***STATE OF PUNJAB AND ORS**

..... Respondents

CORAM: HON'BLE MR. JUSTICE JAGMOHAN BANSAL

Present : Mr. Sameer Sachdeva, Advocate
for the petitioner.

Mr. Aman Dhir, DAG, Punjab.

JAGMOHAN BANSAL, J. (Oral)

1. The petitioner through instant petition under Articles 226/227 of the Constitution of India is seeking:-

(i) Setting aside of order dated 18.11.2017 (Annexue P-1) whereby he was dismissed from service;

(ii) Setting aside of order dated 28.02.2020 (Annexure P-8) and order dated 23.10.2021 (Annexure P-9) whereby his appeals/representations were dismissed;

(iii) Setting aside of order dated 27.08.2024 (Annexure P-10) upholding his dismissal order;

(iv) Reinstatement as granted to similarly situated officer vide order dated 15.12.2022 (Annexure P-5).

2. Learned counsel for the petitioner submits that petitioner and Gurbinderjit Singh, ASI (LR) were implicated in two different FIRs, however, invoking the same set of provisions i.e. Prevention of Corruption Act, 1988. The petitioner was held guilty and thereafter



awarded sentence of 4 years imprisonment. He has preferred an appeal before this Court which is still pending. His sentence has been suspended. The respondent by order dated 15.12.2022 has ordered to reinstate Gurbinderjit Singh despite the fact that he was held guilty in an FIR registered under P.C. Act and awarded sentence of 4 years.

The respondent despite conviction reinstated Gurbinderjit Singh, however, dismissed claim of the petitioner. The act of respondent is discriminatory in nature and violative of Article 14 of the Constitution of India. The respondent has wrongly denied benefit of reinstatement to the petitioner.

3. I have heard arguments of learned counsel for the petitioner and perused the record.
4. This Court vide judgment dated 12.11.2024 passed in **CWP-30528-2024** titled as **‘Charan Singh Vs. State of Punjab and others’** has clearly held that a person who has been convicted and awarded sentence which is not minor in nature, cannot be retained in service. This is clear mandate of Rule 16.2 of Punjab Police Rules, 1934.
5. The aforesaid judgment is squarely applicable to the petitioner and in the said judgment, the question of negative parity, as raised in present case, has been considered.
6. Dismissed.

(JAGMOHAN BANSAL)
JUDGE

28.01.2025
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Whether speaking/reasoned	Yes/No
Whether Reportable	Yes/No