



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

243-1

Date of Decision: 03.09.2025

1. CWP-2576-2023 (O&M)

JOGINDER SINGH AND ORS.

...Petitioners

Versus

STATE OF PUNJAB AND ORS.

...Respondents

2. CWP-6509-2023

BHAJAN SINGH

...Petitioner

Versus

STATE OF PUNJAB AND ORS.

...Respondents

CORAM:- HON'BLE MR. JUSTICE JAGMOHAN BANSAL

Present:- Mr. Sameer Sachdeva, Advocate with
Mr. Daman Dhir, Advocate
for the petitioners No. 1, 2 and 4 (*in CWP-2576-2023*) and
for petitioner (*in CWP-6509-2023*)

Mr. Shailesh Aggarwal, Advocate (*through V.C.*) with
Mr. Yash Garg for petitioner No.3 (*in CWP-2576-2023*)

Mr. Aman Dhir, Deputy Advocate General, Punjab

JAGMOHAN BANSAL, J. (ORAL)

1. As common issues are involved in the captioned petitions, with the consent of both sides, the same are hereby disposed of by this common order. For the sake of brevity and convenience, facts are borrowed from **CWP-2576-2023**.

2. The petitioners through instant petition under Article 226/227 of the Constitution of India are seeking setting aside of order dated 27.07.2022 whereby they were dismissed from service invoking Clause (b) of 2nd proviso to Article 311(2) of Constitution of India.

3. The petitioners joined service as Constables in Punjab Police. They were having service of more than 20 years to their credit when they came to be implicated in FIR No.90 dated 25.07.2022 under Section 166/167/195/471/218/120-B of IPC, 21/59 of NDPS, Act 1985 and 13 of PC Act, 1988.

4. Learned counsel for the petitioners submit that petitioners were dismissed from service the moment FIR was registered against them. They were not subjected to departmental enquiry as contemplated by Rule 16.24 of Punjab Police Rules, 1934 read with Article 311 of Constitution of India. There was no reason to dispense with departmental enquiry.

5. Mr. Sachdeva submits that petitioner No.4-Parminder Singh has passed away. The department may conduct enquiry against said employee apart from others. The Legal Heirs of said employee would not plead before authorities that enquiry should not be conducted against a dead person. They will fully cooperate in the departmental proceedings.

6. On being confronted with judgments of this Court passed in ***“Baljinder Singh Vs. State of Punjab”*** 2024 SCC OnLine P&H 4150, ***“Sandeep Singh Vs. State of Punjab and Ors.”*** 2024 SCC OnLine P&H 12048 and ***“Narinder Singh Vs. State of Punjab and Ors.”*** 2024 SCC OnLine P&H 12041, learned State counsel expressed his inability to controvert the fact that case of the petitioners is squarely covered by said judgment. He further submits that it may be clarified that petitioners would not be entitled to backwages if disciplinary authority comes to a conclusion that petitioners may be reinstated or subjected to any punishment other than dismissal from service.

7. In the wake of statement of both sides, petitions are disposed of in terms of afore-cited judgments. It is clarified that petitioners shall not be entitled to backwages if reinstated on conclusion of departmental enquiry. It is further made clear that petitioners shall be deemed to be reinstated if department enquiry is not initiated within six months from today. The department would be free to pass another order as soon as criminal proceedings are concluded.

8. Pending application(s), if any, stands disposed of.

(JAGMOHAN BANSAL)
JUDGE

03.09.2025
Deepak DPA

Whether Speaking/reasoned	Yes/No
Whether Reportable	Yes/No