



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

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CWP-15405-2002 (O&M)

Date of Decision: 11.09.2025

KULDIP SINGH

...Petitioner

Vs.

STATE OF PUNJAB & ORS.

...Respondents

CORAM:- HON'BLE MR. JUSTICE JAGMOHAN BANSAL

Present:- Mr. Atul Lakhanpal, Sr. Advocate with
Mr. Arvindpal Singh Grover, Advocate
for the petitioner

Mr. Chanchal K. Singla, Addl. A.G. Punjab

JAGMOHAN BANSAL, J. (ORAL)

1. The petitioner through instant petition under Article 226/227 of the Constitution of India is seeking setting aside of order dated 21.07.2002 whereby order dated 25.12.2001 to reinstate him was recalled.

2. The petitioner joined Punjab Police as Constable on 02.01.1976. He was promoted as Head Constable on 19.05.1988. He was implicated in FIR No.219 dated 24.11.1990 under Sections 202/307/120-B IPC read with Section 4/5 of Explosive Substances Act, 1908 and Section 3, 4 and 5 of Terrorist and Disruptive Activities (Prevention) Act registered at Police Station, Tarn Taran, Amritsar, Punjab. He was arrested. He faced trial and came to be acquitted by trial Court vide judgment dated 01.09.1993. He was dismissed from service

vide order dated 21.02.1992. The order of dismissal was passed without complying with mandate of Rule 16.24 Punjab Police Rules, 1934 read with Article 311 of Constitution of India. He preferred *CWP-14895-1993* before this Court seeking reinstatement which was dismissed vide order dated 10.12.1993. He preference Civil Appeal No.12213 of 1996 before Hon'ble Supreme Court which came to be dismissed vide order dated 16.09.1996. Despite orders of this Court as well as Supreme Court, the respondent entertained his mercy application and reinstated him vide order dated 25.12.2001. The respondent vide order dated 21.07.2002 recalled its order dated 25.12.2001. The order dated 25.12.2001 is reproduced as below:-

“Head Constable Kuldeep Singh No.2874/T.T. of this District was dismissed from service w.e.f. 21.2.1992 under article 311(2) of the Constitution of India vide this office order No. 6480-84/T dated 21.2.92 for having been found indulging in activities prejudicial to the efficient functioning of the Police force, for having close links with extremists and helping them by providing information of the Police Department.

Against the order of his dismissal, he had preferred a mercy petition to the Pb. Govt. as per Memo No. 1/16/99-6Hs/1539 dated 28.3.2001 from Govt. of Pb. Deptt. of Home Affairs and Justice received in this office over IG/Border Amritsar's office endst.No.13472/A-5 dt. 19.12.2001, Govt. has considered the mercy petition of Ex. Head Const. Kuldeep Singh No.2874/T.T., point raised by the petitioner in his personal hearing and taking lenient view, he has been reinstated into service, subject to the condition that he will not get any wages for the period in which his services remain dismissed and the period he

remained out of service will be treated as "dies non".

Keeping in view of above Ex. Head Constable Kuldeep Singh No.2B74/T.T. is hereby re instated in service from the date dismissal. The period during which he remained out of service is treated as non-duty period.

Issue orders in O.B and all concerned to note for necessary action."

3. Learned Senior Counsel for the petitioner submits that the impugned order was passed in gross violation of principles of natural justice. There was no occasion to recall order of reinstatement. The respondent had no authority to recall its previous order.

4. *Per contra*, learned State counsel submits that despite orders of this Court and Apex Court, the petitioner was reinstated. It was a mistake on the part of the authorities because authorities could not pass any order contrary to orders of this Court and Supreme Court.

5. I have heard learned counsel for the parties and perused the record of the case.

6. From the perusal of record, it is evident that petitioner was dismissed from service vide order dated 21.02.1992. There were serious allegations against him. He was arrested alleging his connivance with terrorists. He was acquitted by trial Court vide judgment dated 01.09.1993. Despite his acquittal, this Court dismissed his writ petition seeking reinstatement. The Apex Court also dismissed his appeal. As this Court as well as Supreme Court dismissed his prayer seeking reinstatement, the authorities had no right to reinstate him. His

reinstatement was mistake on the part of authorities. An order which is void or nullity in the eye of law can be set at naught at any point of time. The State Government was not powerless to rectify its mistake. The petitioner cannot take advantage of mistake of the authorities.

7. In the wake of above factual position, this Court is of the considered opinion that the instant petition deserves to be dismissed and accordingly dismissed

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

(JAGMOHAN BANSAL)
JUDGE

11.09.2025
Deepak DPA

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