



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

245

CWP-10465-2021
Date of Decision: 09.01.2025

Tarsem Singh

.....Petitioner(s)

Versus

State of Punjab and others

....Respondent(s)

CORAM: HON'BLE MR. JUSTICE JAGMOHAN BANSAL

Present: Mr. G.S. Brar, Advocate,
for the petitioner.

Mr. Aman Dhir, DAG, Punjab.

JAGMOHAN BANSAL, J. (Oral)

1. The present writ petition has been filed under Articles 226 and 227 of the Constitution of India for issuance of a writ in the nature of certiorari seeking setting aside of order dated 26.02.2021 (Annexure P-2) whereby the petitioner was terminated without complying with the mandate of Article 311(2) of the Constitution of India.

2. The parties are *ad idem* that the petitioner was terminated on account of registration of FIR, however, without complying with the mandate of Article 311(2) of the Constitution of India. The competent authority invoked clause (b) of second proviso to Article 311(2) and passed the impugned order without conducting inquiry as well as waiting for the outcome of criminal proceedings.



3. Mr. Aman Dhir, DAG, Punjab, on being confronted with judgment dated 24.05.2024 passed by this Court in **CWP-21741-2022, Sandeep Singh vs. State of Punjab and others**, expressed his inability to controvert applicability of the said judgment to the instant case.

4. In the wake of statement of both sides, the petition stands disposed of in terms of order dated 24.05.2024 passed in **Sandeep Singh's case (supra)**.

5. It is made clear that the petitioner, as conceded, shall not be entitled to back wages. The respondent shall be free either to conduct departmental inquiry after following due procedure prescribed by Punjab Police Rules or take appropriate decision after conclusion of criminal proceedings which are still pending against the petitioner.

09.01.2025
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(JAGMOHAN BANSAL)
JUDGE

Whether reasoned/speaking	Yes
Whether reportable	No