

**CWP-16152-2006****-1-****IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH************530-2****CWP-16152-2006****Date of Decision: 29.08.2025****BIR SINGH****...Petitioner****Vs.****STATE OF HARYANA AND ORS.****...Respondents****CORAM:- HON'BLE MR. JUSTICE JAGMOHAN BANSAL****Present:- Mr. Samrat Malik, Advocate
for the petitioner****Mr. Suneel Ranga, DAG Haryana.***********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 29.06.2006 whereby he was dismissed from service.

2. The petitioner joined Haryana Police as Constable on 09.01.1995. He was issued chargesheet dated 15.10.1996 on account of absence from duty for 82 days. The Enquiry Officer found him guilty. He was issued show cause notice dated 25.07.1997. The Disciplinary Authority vide order dated 18.08.1997 dismissed him from service. He preferred an appeal which came to be dismissed by DIG vide order dated 26.11.1997. He preferred revision which came to be dismissed by DGP vide order dated 15.06.1998. He preferred mercy petition before DGP who vide order dated 11.08.2003 recalled his earlier order and ordered to



CWP-16152-2006

-2-

reinstate him. He was issued show cause notice dated 17.08.2006 calling upon to show cause as to why order dated 18.08.1997 should not be restored. DGP vide impugned order dated 29.09.2006 recalled order dated 11.08.2003 passed by his predecessor whereby punishment order was recalled.

3. Learned counsel for the petitioner submits that petitioner was absent from duty for 82 days, thus, harsh punishment of dismissal from service could not be awarded. The DGP rightly reviewed his order and reinstated the petitioner.

4. From the perusal of record, it comes out that petitioner absented himself within one year from the date of joining. He must be on probation. He was held guilty and awarded punishment. He had service of only 1 year to his credit. The DGP had no power to review his own order. By first order, while exercising power of revisionary authority, he upheld order of dismissal from service. There was no occasion to recall said order.

5. There is another aspect of the matter. The petitioner served only for one year and he is out of service. A period of more than 27 years from the date of his dismissal has passed away. He cannot be reinstated at this stage especially when there was no fault of the State.

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



CWP-16152-2006

-3-

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

(JAGMOHAN BANSAL)
JUDGE

29.08.2025
Deepak DPA

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