



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

103

CWP-11634-2025 (O&M)

Date of Decision: 26.11.2025

GURVINDER SINGH

...Petitioner

Vs.

STATE OF PUNJAB AND ORS.

...Respondents

CORAM:- HON'BLE MR. JUSTICE JAGMOHAN BANSAL

Present:- Mr. P.S. Dhaliwal, Advocate
for the petitioner

Mr. Aman Dhir, Deputy Advocate General, Punjab

JAGMOHAN BANSAL, J. (ORAL)

1. The petitioner through instant petition under Articles 226/227 of the Constitution of India is seeking setting aside of order dated 07.04.2025 whereby appellate authority enhanced punishment awarded by Disciplinary Authority.

2. The petitioner was implicated in FIR No.316 dated 10.12.2022 under Section 323, 313, 354, 377, 494 IPC registered at Police Station Patran, District Patiala. He was arrested in the said FIR and remained in custody for 521 days. He was released on bail. He immediately did not join duty and further remained absent from duty for 28 days. He remained absent from duty from 09.12.2022 to 11.06.2024 (549 days). The respondent initiated departmental proceedings against him on account of aforesaid FIR and absence from duty. He was found guilty of charges and Disciplinary Authority awarded him punishment of

forfeiture of two increments with permanent effect. He preferred an appeal before Appellate Authority which exercising power conferred by Rule 16.28 of Punjab Police Rules, 1934 (in short 'PPR') issued him show cause notice calling upon to show cause as to why punishment awarded by Disciplinary Authority should not be enhanced. He filed reply to said show cause notice. The Appellate Authority by impugned order enhanced punishment of forfeiture of two increments to five increments with permanent effect.

3. Learned counsel for the petitioner submits that Appellate Authority did not decide his appeal whereas adjudicated show cause notice proposing enhanced punishment. The Appellate Authority was duty bound to decide his appeal.

4. *Per contra*, learned State counsel submits that Appellate Authority has adjudicated appeal as well as show cause notice issued under Rule 16.28 of PPR, thus, contention of petitioner is misconceived.

5. On being asked, learned counsel for the parties conceded that order enhancing punishment under Rule 16.28 of PPR is an appealable order.

6. From the perusal of record, it is evident that Appellate Authority has adjudicated show cause notice issued under Rule 16.28 of PPR, however, appeal has not been adjudicated. It is irrelevant what was in the mind of Appellate Authority. Court cannot delve into mind of the Appellate Authority. The Appellate Authority was duty bound to

adjudicate appeal either along with show cause notice under Rule 16.28 of PPR or independently.

7. The instant petition is hereby disposed of with the direction to Appellate Authority to decide appeal of the petitioner who is at liberty to file appeal against order passed by Appellate Authority under Rule 16.28 of PPR as well as order which would be passed on his appeal. Let the needful be done within two months from today.

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

(JAGMOHAN BANSAL)
JUDGE

November 26, 2025
Deepak DPA

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