



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

Date of Decision: 02.09.2025

1. CWP-7128-2006

Bhajan Lal

...Petitioner

Versus

State of Punjab and Others

...Respondents

2. CWP-7252-2006

Raj Kumar

...Petitioner

Versus

State of Punjab and Others

...Respondents

CORAM:- HON'BLE MR. JUSTICE JAGMOHAN BANSAL

Present:- Mr. Jitender Singh Dadwal, Advocate
for the petitioner (in both cases).

Mr. G.S. Bhullar, AAG, 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-7128-2006**.

2. The petitioner joined Punjab Police as SPO on 28.07.1994. In July' 2004, he along with SPO Raj Kumar was posted with Inspector Manmeet Singh at Police Station Jagraon. He came to be implicated in FIR No.96 dated 09.07.2004 registered under Sections 7, 13 (b) and 88 of Prevention of Corruption Act, 1988 and Section 342 of IPC at Police Station Jagraon. Both SPOs were discharged from service vide order

dated 12.07.2004. They preferred appeals which came to be rejected. They also unsuccessfully preferred revision before Additional Director General of Police (**DGP**). They faced trial and came to be acquitted as witnesses turned hostile.

3. Mr. Jitender Singh Dadwal, Advocate submits that FIR was primarily registered against Inspector Manmeet Singh. There was direct allegation against Manmeet Singh that he has coerced a sum of Rs.1,00,000/- from the complainant. The petitioner was accompanying him. The respondent did not file police report against Manmeet Singh and declared him innocent at the first stage, thus, there was no question to implicate the petitioner. He was absorbed as Constable but was not issued constabulary number because of discharge order. The petitioner would not claim back wages if he is considered either for the post of Member of Home Guards or Constable in Punjab Police.

4. *Per contra*, Mr. G.S. Bhullar, AAG, Punjab submits that petitioner was not enlisted as Constable. He was ordered to be absorbed as Constable, however, status of said order is unclear. There is no post of SPO at present and all the SPOs have been absorbed as Member of Home Guards. The petitioner was not holding regular post, thus, there was no need to conduct regular inquiry.

5. I have heard learned counsel for the parties and perused the record with their able assistance.

6. It is undisputed fact that petitioner at the time of discharge was not a regular employee and was a daily wager. As per terms and conditions of appointment letter, he could be discharged from service at any point of time. He was neither governed by procedure prescribed

under Punjab Police Rules, 1934 (for short 'PPR') nor by Article 311 of the Constitution of India, thus, the respondent authorities were not required to follow the procedure prescribed under the PPR as well as Article 311 of the Constitution of India. He was discharged from service and in the discharge order, the Competent Authority has recorded reasons. As he was not a regular employee and governed by PPR, he cannot claim that he was dismissed from service without compliance of procedure prescribed under PPR.

7. The petitioner was discharged on the ground of his involvement in aforesaid FIR. From the perusal of judgment of acquittal as well as FIR, it is evident that Inspector Manmeet Singh was prime accused. The allegations were against Inspector Manmeet Singh. The petitioner at the most was accomplice of Inspector Manmeet Singh. He being junior most was bound to follow instructions of Inspector Manmeet Singh. The respondent did not file challan against Inspector Manmeet Singh and declared him innocent at nascent stage. By declaring Inspector Manmeet Singh innocent, the respondent made allegations of complainant meaningless. The petitioner was SPO, thus, he was not entitled to protection of Rule 16.24 of PPR and Article 311 of the Constitution of India. He vide order dated 10.04.2008 was selected for absorption as Constable. Raj Kumar (Petitioner in **CWP-7252-2006**) was also ordered to be absorbed as Constable vide order dated 18.02.2010 passed by DGP, PAP, Jalandhar. The petitioner joined service in 1990 and was discharged in 2004 meaning thereby he worked for 14 years as SPO. The order of absorption was passed after his discharge. He was acquitted though on the ground that witnesses have turned hostile.

8. In the wake of aforestated facts and circumstances, especially the fact that respondent has not considered judgment of acquittal and factum of declaring main accused innocent, this Court finds it appropriate to direct respondent to reconsider case of petitioners. If they are found suitable, they may be adjusted either in PAP or Home Guard. They shall not be entitled to back wages. They would also not be entitled to any other service benefit for the past period.

9. ***Disposed of.***

(JAGMOHAN BANSAL)
JUDGE

02.09.2025
Prince Chawla

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