



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

202

CWP-5828-2008 (O&M)

Date of Decision: 08.12.2025

OM DUTT NOW DECEASED THROUGH LRS

...Petitioner

Vs.

UNION OF INDIA AND ORS.

...Respondents

CORAM:- HON'BLE MR. JUSTICE JAGMOHAN BANSAL

Present:- Mr. Rajat Singla, Advocate for
Mr. Aditya Jain, Advocate for the petitioner

Mr. Brijeshwar Singh Kanwar, Sr. Panel Counsel
for respondents No.1 and 2-UOI

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:-

i. Order dated 23.05.2000 whereby he was awarded punishment of stoppage of one annual increment with commutative effect:-

ii. Orders dated 01.02.2002, 21.05.2002 and 22.10.2002 directing him to lay his grievance before parent department:-

iii. Order dated 24.08.2007 whereby his appeal was rejected.

2. The petitioner joined Punjab Police as Constable. He was sent on deputation to Intelligence Bureau (for short 'IB') on 15.01.1985.

IB vide order dated 27.04.1998 ordered to repatriate him to parent department. He did not join parent department and filed petition before Central Administrative Tribunal, New Delhi (for short 'CAT') assailing order of repatriation. His petition came to be dismissed vide order dated 28.01.1999 passed by CAT. He preferred *CWP-2386-1999* before Delhi High Court. His writ petition came to be dismissed vide order dated 22.04.1999. He filed review application before Tribunal. His review application was disposed of vide order dated 09.12.1999. He filed representation before IB requesting to revise his relieving order so that he may join parent department. IB informed him that he has already been relieved vide communication dated 07.08.1998. He filed another petition before CAT seeking release of his dues for the period from May' 1998 to May' 2000. CAT vide order dated 11.12.2001 directed the respondent to consider his representation. The respondent-IB vide memo dated 01.02.2002 informed him that after 30.04.1998, it is Punjab Police which can redress his grievance. He again filed petition before CAT which was disposed of vide order dated 09.09.2002 with liberty to petitioner to approach parent department. He filed representation to IB which was disposed of with the direction to approach parent department. He again filed petition before CAT for the release of his salary for the period from May' 1998 to May' 2000. IB filed reply to petition before CAT which dismissed petitioner's application vide order dated 26.06.2003. The Tribunal noticed that State Police has inflicted major punishment upon the petitioner and ordered to treat aforesaid period as non-duty period. The petitioner filed review of aforesaid order dated 26.06.2003 which

was dismissed vide order dated 01.09.2003. He preferred *CWP-1291-2005* before this Court which was disposed of vide order dated 28.05.2007 with a direction to appear before Appellate Authority. The petitioner appeared before Appellate Authority-DIG. The Appellate Authority rejected his appeal with respect to salary for aforesaid period.

3. Learned counsel for the petitioner submits that petitioner was not at fault for non-joining Punjab police after his repatriation from IB. He was entitled to salary for the aforesaid period.

4. From the perusal of record, it is evident that petitioner filed as much petitions before CAT, Delhi High Court and this Court as could be possible. He did not think it appropriate to join parent department but opted to approach Courts on one on another count. He was responsible for wasting valuable time and energy of Courts as well as Government machinery. It was he who did not join Punjab Police after repatriation because he was hellbent to rejoin IB. He does not deserve salary for the absence period.

5. In the wake of above discussion and findings, this Court is of the considered opinion that the instant petition deserves to be dismissed and accordingly dismissed.

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

(JAGMOHAN BANSAL)
JUDGE

December 08, 2025
Deepak DPA

Whether Speaking/reasoned
Whether Reportable

Yes/No
Yes/No