

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

2025:PHHC:164407



CWP No.25056-2019(O&M)
Date of Decision:27.11.2025

Ex Constable Bodh Raj

....Petitioner

vs.

State of Punjab and others

....Respondents

CORAM: HON'BLE MR. JUSTICE JAGMOHAN BANSAL

Present: Mr. R.K.Arya, Advocate
for the petitioner

Mr. Aman Dhir, DAG, 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 12.02.2015 whereby he was dismissed from service;
- ii) Order dated 01.10.2015 whereby his appeal was dismissed;
- iii) Order dated 10.03.2016 whereby his revision was dismissed; and
- iv) Order dated 05.12.2016 whereby his revision-cum-Mercy Petition was dismissed.

2. Learned counsel for the petitioner submits that petitioner was dismissed from service on account of his implication in FIR No. 13 dated 04.04.2010, under Sections 3, 4 and 5 of Immoral Traffic Act, 1956 registered at Police Station Division No. 1, Pathankot. He was made to face trial arising out of aforesaid FIR. Learned Judicial Magistrate Ist Class,



Pathankot vide judgment dated 21.01.2016 acquitted him and State did not challenge said judgment. Petitioner was dismissed from service only on account of his alleged involvement in the aforesaid FIR. He unsuccessfully filed appeal, revision as well as Mercy Petition before higher authorities. Case of petitioner needs to be reconsidered in the light of Rule 16.3 of Punjab Police Rules, 1934 (in short 'PPR'),

3. On being confronted with judgment dated 02.04.2025 passed by this Court in ***CWP No.18777 of 2023*** titled as "***Bala Singh Versus State of Haryana and Others***", judgment dated 21.05.2025 passed in ***CWP No.21304 of 2024*** titled as "***Nirmaljit Singh Versus State of Punjab and Others***" and judgment dated 27.05.2025 passed in ***CWP No.25411 of 2022*** titled as "***Dheeraj Kumar Versus State of Haryana and Others***", Mr. Aman Dhir, DAG, Punjab expressed his inability to controvert the fact that as per Rule 16.3 of PPR, matter needs to be reconsidered by the Competent Authority.

4. In the light of orders passed in ***Bala Singh (Supra)***, ***Nirmaljit Singh (Supra)*** and ***Dheeraj Kumar (Supra)*** as well as Rule 16.3 of PPR, the impugned orders are hereby set aside and the Disciplinary Authority is directed to pass fresh order in terms of Rule 16.3 of PPR. The Disciplinary Authority would be free to consider past record of the petitioner subject to compliance of Rule 16.24(1)(vii) of PPR. The petitioner, as conceded by him, shall not be entitled to back wages, however, shall be entitled to counting of past service and notional benefits of period during which he



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remained out of service. It is made clear that this Court has not expressed any opinion on merit.

5. Disposed of in above terms. Let the needful be done within three months from today

(JAGMOHAN BANSAL)
JUDGE

27.11.2025
paramjit

Whether speaking/reasoned:	Yes	
Whether reportable:		No