



203

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

CWP-12708-2015 (O&M)

Date of Decision: 23.12.2025

Gun Pal

...Petitioner

Versus

State of Haryana and Others

...Respondents

CORAM:- HON'BLE MR. JUSTICE JAGMOHAN BANSAL

Present:- Mr. R.K. Malik, Senior Advocate with
Mr. Sandeep Dhull, Advocate
for the petitioner.

Ms. Rajni Gupta, Addl. A.G., Haryana.

Mr. Prateek Gupta, Advocate
for the respondent No.4.

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 04.06.2015 whereby he was ordered to be terminated.

2. On 30.06.2015, while issuing notice of motion, operation of impugned order dated 04.06.2015 was stayed. Order dated 30.06.2015 reads as:

“Learned Senior counsel for the petitioner submits that the petitioner applied for the Post of Constable in Govt. Railway Police whereas he was selected in the category of Haryana Armed Police (for short 'HAP') and was kept at no.1 in order of merit amongst SC-B category in HAP. He further submits that other similarly situated persons are still continuing with their posts and the petitioner has been removed from service without any fault. He also submits that the petitioner is working on his

post for the last more than 11 years.

Notice of motion for 11.09.2015.

Meanwhile, operation of impugned order dated 04.06.2015 (Annexure P-9) shall remain stayed.”

3. The aforesaid order was followed by order dated 16.02.2017 which reads as:

“Petitioner and others selection and appointment to the post of constable was under cloud and the matter has been examined by the CBI. Having regard to the order dated 16.4.2014 wherein the Additional Chief Secretary has directed the concerned competent authority as follows: “further as recommended by the committee, the services of Shri Gun Pal be dispensed with after observing necessary codel formalities”.

The said Government order is pursuant to the inquiry by the CBI.

Learned counsel for the petitioner submitted that he has not been heard by the CBI at the time of inquiry so also the State Government before recommending for taking necessary action against the petitioner by the competent authority. In this regard, Additional Chief Secretary to Government of Haryana is directed to file an affidavit whether without hearing the petitioner by the CBI or by the Government, further action of appointing authority in respect of issuance of show cause notice and further passing order of dismissal is in order or not?

Learned State counsel directed to produce relevant application of the petitioner for the post of constable and also the last candidate marks in the SC-B category for the Government Railway Police (GRP) so as to find out whether the petitioner's name in the waiting list is manipulated by the selecting authority at the relevant point of time or not?

Learned counsel for the parties are directed to apprise this Court as to why the Disciplinary Appeals Rules have not been resorted before dismissing the

petitioner from service.

List this matter on 18.3.2017.”

4. Learned counsel for respondent No.4 submits that CBI thoroughly investigated the matter and presented final report before trial Court which acquitted all the accused. The petitioner was not arrayed as an accused in the final report.
5. Learned State counsel submits that during the pendency of instant petition, petitioner has been promoted to the rank of ASI.
6. Considering the aforestated interim orders and the fact that the petitioner has been promoted during the pendency of instant petition, interim order dated 30.06.2015 is hereby made absolute and impugned order dated 04.06.2015 is hereby set aside.
7. ***Allowed*** in above terms.
8. Pending application(s), if any, shall also stand disposed of.

(JAGMOHAN BANSAL)
JUDGE

23.12.2025
Prince Chawla

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