



206

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

**CWP-16829-2016 (O&M)
Date of Decision: 28.07.2025**

SHISH RAM

..... Petitioner

Versus

STATE OF HARYANA & ORS

..... Respondents

CORAM: HON'BLE MR. JUSTICE JAGMOHAN BANSAL

Present : Mr. Sandeep Kumar Yadav, Advocate with
Ms. Sangeeta Yadav, Advocate
for the petitioner.

Mr. Suneet Ranga, DAG, Haryana.

JAGMOHAN BANSAL, J. (Oral)

1. The petitioner through instant petition under Article 226 of the Constitution of India is seeking setting aside of:

- (i) Order dated 30.09.2010 (Annexure P-1) whereby he has been dismissed from service;
- (ii) Order dated 24.04.2012 (Annexure P-2) whereby his appeal has been rejected; and
- (iii) Order dated 13.09.2012 (Annexure P-3) whereby his revision has been dismissed.

2. The petitioner joined Haryana Police Force as Constable on 20.09.1989. He proceeded on leave. He was found absent from duty on 05.12.2009. He reported back on 13.05.2010 i.e. after five months and seven days. He was subjected to regular departmental inquiry wherein he was found guilty. The Disciplinary Authority agreed with report of



Enquiry Officer and vide order dated 13.09.2010 dismissed him from service. He unsuccessfully preferred appeal as well as revision before Higher Authority.

3. Mr. Sandeep Kumar Yadav, Advocate for the petitioner submits that petitioner was not well, thus, he could not join duty. His wife was also not feeling well. As both were not holding good health and taking regular treatment, he could not join duty.

4. On being pointed out, learned counsel for the petitioner conceded that no application seeking medical leave or otherwise was submitted during absence period of more than five months.

5. Mr. Suneet Ranga, DAG, Haryana submits that petitioner was a habitual absentee. He was found absent from duty on eight occasions and awarded punishment. On one occasion, he was awarded punishment of stoppage of four future annual increments. The authorities duly conducted departmental proceedings and thereafter petitioner was dismissed from service.

6. The Supreme Court has time and again reminded that High Court cannot examine factual position and disturb findings recorded by departmental authorities. The Court has further held that High Court cannot re-quantify quantum of punishment, however, if Court finds that punishment awarded is disproportionate to alleged offence, the Court may ask the authorities to re-consider quantum of punishment.

7. The petitioner was concededly a part of disciplined force and he was bound to strictly follow the rules and regulations. Armed Forces cannot retain any undisciplined member. It is not case of the petitioner that he, for the first time, committed alleged offence and was subjected to



harsh punishment. Had the alleged offence been his first offence, this Court could consider principle of proportionality and ask the respondents to reconsider quantum of punishment, however, as noted above, the petitioner is a habitual offender and he has been punished more than once. The case of the petitioner is squarely covered by judgment of Apex Court in ***Ex Sepoy Madan Prasad v. Union of India and others, (2023) 9 SCC 100***. The relevant extracts of the judgment read as: -

“11. It is apparent from the above table that the appellant was a habitual offender. There were four red ink entries and one black ink entry against him before the present incident cited at Serial No. (f) above. Such gross indiscipline on the part of the appellant who was a member of the Armed Forces could not be countenanced. He remained out of line far too often for seeking condonation of his absence of leave, this time, for a prolonged period of 108 days which if accepted, would have sent a wrong signal to others in service. One must be mindful of the fact that discipline is the implicit hallmark of the Armed Forces and a non-negotiable condition of service.

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18. For the aforesaid reasons, we do not find any infirmity in the impugned judgment [Madan Prasad v. Union of India, 2015 SCC OnLine AFT 887] passed by the AFT. The appellant had been taking too many liberties during his service and despite several punishments awarded to him earlier, ranging from imposition of fine to rigorous imprisonment, he did not mend his ways. This was his sixth infraction for the very same offence. Therefore, he did not deserve any leniency by infliction of a punishment lesser than that which has been awarded to him.



19. Accordingly, the present appeal is dismissed as meritless, while upholding the impugned judgment [Madan Prasad v. Union of India, 2015 SCC OnLine AFT 887]. The parties are left to bear their own costs.”

8. In the wake of above discussion & findings and afore-cited judgment, this Court is of the considered opinion that present petition being bereft of merit deserves to be dismissed and accordingly dismissed.
9. Pending misc. application (s), if any, shall also stand disposed of.

(JAGMOHAN BANSAL)
JUDGE

28.07.2025
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Whether speaking/reasoned	Yes/No
Whether Reportable	Yes/No