



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

210

CWP-13454-2018

Date of Decision: 08.12.2025

Sunil Kumar

...Petitioner

Versus

State of Haryana and others

...Respondents

CORAM: HON'BLE MR. JUSTICE JAGMOHAN BANSAL

Present: - Mr. Amit Kumar Goyal, Advocate for the petitioner

Mr. Ravi Partap Singh, Deputy Advocate General, Haryana

JAGMOHAN BANSAL, J. (Oral)

1. Replication dated 14.09.2023 filed by learned counsel for the petitioner is taken on record. Registry is directed to tag the same at an appropriate place.

2. The petitioner through instant petition under Articles 226/227 of the Constitution of India is seeking setting aside of orders dated 17.01.2002, 21.04.2003 and 01.10.2003 whereby he was dismissed from service. He is further seeking modification of order dated 23.08.2017 whereby he was ordered to retire.

3. The petitioner was enrolled as Constable in Haryana Police Force on 02.08.1985. He remained absent from duty from 13.03.2001 to 02.08.2001. The respondent department conducted inquiry and dismissed him from service vide order dated 17.01.2002. The petitioner preferred an appeal which came to be dismissed by Appellate Authority. He preferred revision which came to be dismissed by Director General of Police,



Haryana. He preferred mercy petition before the State Government which came to be allowed by Additional Chief Secretary to Government of Haryana (Home Department) (for short 'ACS'). ACS vide order dated 23.08.2017 converted punishment of dismissal from service into compulsory retirement. It is apt to notice here that mercy petition was filed after 13 years from the date of dismissal of revision by Director General of Police, Haryana. The State Government formed an opinion that act of the petitioner does not fall within the purview of '*gravest act of misconduct*'.

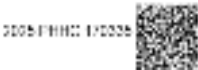
4. Learned counsel for the petitioner submits that respondent wrongly converted his punishment from dismissal from service into compulsory retirement whereas he must have been reinstated because his act did not fall within the purview of '*gravest act of misconduct*'.

5. *Per contra*, learned State counsel submits that the petitioner was awarded punishment of dismissal from service because he was a habitual absentee. He remained absent from duty on multiple occasions. He was awarded major and minor punishment on 31 occasions. He was dismissed for remaining absent from duty during April' 1990 to 31.07.1990. The said punishment was reduced to stoppage of three annual increments with permanent effect. The impugned order of dismissal from service was also set aside and lenient view was taken by ACS. The petitioner has been granted regular pension.

6. I have heard the arguments of learned counsel for both sides and perused the record with their able assistance.

7. From the perusal of record, it is evident that petitioner was a habitual absentee. Single act of absence from duty may not be gravest act of

misconduct, however, petitioner remained absent from duty on 31 occasions



which compelled the authorities to pass order of dismissal from service. It was second time when he was dismissed from service. On earlier occasions, the authorities, taking a lenient view, awarded him punishment of forfeiture of three increments with permanent effect. Past act and conduct of the petitioner indicate that authorities took lenient view and awarded him minimum possible punishment. He is getting pension despite the fact that he had served for 15½ years and remained absent on 31 occasions.

8. In the wake of above discussion and findings, this Court is of the considered opinion that present petition being bereft of merit deserves to be dismissed and accordingly dismissed.

(JAGMOHAN BANSAL)
JUDGE

08.12.2025
Mohit Kumar

Whether speaking/reasoned	Yes/No
Whether reportable	Yes/No