



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

CWP-27159-2013

Date of Decision: 21.07.2025

Ravinder Singh Now deceased through LRs

...Petitioner

Vs.

State of Punjab and Others

...Respondents

CORAM:- HON'BLE MR. JUSTICE JAGMOHAN BANSAL

Present:- Mr. Premjit Singh Hundal, 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 order dated 18.06.2012 whereby his representation has been rejected.

2. This petition was originally filed by Ravinder Singh who during the pendency of petition passed away. Legal Representatives of deceased petitioner are on record who are pursuing the matter.

3. The deceased Late Sh. Ravinder Singh joined Punjab Police Force as Constable on 09.08.1982. He was discharged by Assistant Inspector General of Police, GRP, Punjab, Patiala on 21.12.1984. The order of discharge was passed in terms of Rule 12.21 of Punjab Police Rules, 1934 (for short 'PPR'). The order was passed under Rule 12.21, thus, it was not an appealable order.

3. The deceased filed Civil Suit challenging order of discharge.

The Civil Court framed following issues:

- “1. Whether the order of discharge dated 21.12.1984 is illegal, null and void, etc. as alleged? OPP*
- 2. Whether the matter in the suit is not justiciable in civil court? OPD*
- 3. Whether the suit is not maintainable in the present form? OPD*
- 4. Whether suit is not properly valued as alleged? OPD*
- 5. Whether notice served in this case is invalid? OPD*
- 6. Relief.”*

4. The Civil Court dismissed suit of the deceased. He preferred an appeal before Appellate Court which set aside order of trial Court. The respondent-State preferred ***RSA No.176 of 1996*** titled as ‘***State of Punjab and Another Vs. Ravinder Singh***’, before this Court which was allowed vide order dated 07.10.2005. The operative part of order dated 07.10.2005 is reproduced as below:

“According to the learned Assistant Advocate General, the department had verified the genuineness of the matriculation certificate of the respondent and found that it was a bogus document and had not been issued by the Central Board of Secondary Education, New Delhi. Therefore, the only question which falls for determination is as to whether an order of discharge simplicitor (of a police official), can be legally passed within less than three years of recruitment, without holding a departmental inquiry? Answer to this query, in my view, has to be in the positive, particularly, in a case of the type under reference wherein even during trial, the respondent could not lead any evidence, oral or documentary, referring to the genuineness of the certificate in question. In fact, he himself also could not dare to state, in his examination-in-chief while appearing as PW1, that the certificate

produced by him was a genuine document.

The bare wording of rule 12.21 shows that at any time, within three years of the enrolment of a constable, the Superintendent of Police is within his rights to discharge him, on finding that he is unlikely to prove an efficient police officer, and no appeal lies against such order. The impugned order of discharge had been passed under this rule. It did not contain any reference to the forged nature of the certificate produced by the respondent nor did it refer to any other such fact which could cast a stigma on him. As such, the same was perfectly legal in the eyes of law. Reference in this connection may be made to Joginder Singh vs. State of Punjab and other (Pb. & Hy.) 1998 (2) SLR 21, in which also the petitioner constable had obtained enrolment on the basis of a matriculation certificate wherein the date of birth had been tampered with. He was, later on, discharged under Rule 12.21 of the Rules. He challenged the order. But, this court dismissed the writ petition, holding that he was rightly discharged, without issuing any show cause notice and without affording an opportunity of being heard, under Rule 12.21 of the Rules.

In the above view of the matter, it is clear that the first appellate court had gone wrong in setting aside the well-reasoned judgment of the trial court. appeal is, according, accepted, setting aside the verdict of the first appellate court and restoring that of the trial court. Resultantly, the suit shall stand dismissed.”

5. The deceased preferred review application which came to be dismissed. The deceased preferred SLP before Supreme Court which dismissed the same as not pressed with liberty to make representation to the authorities. Order dated 29.11.2010 passed by Supreme Court reads as:

“Delay condoned.

After addressing us for some time, learned counsel for the petitioner seeks leave to withdraw the petition stating that the petitioner would like to make a fresh representation to the authorities concerned. Accordingly, the special leave petition is dismissed as not pressed.

It goes without saying that we have not expressed any opinion on the merits of the representation which the petitioner proposes to make. As and when such a representation is made, it shall be considered on its own merits.”

6. Mr. Premjit Singh Hundal, Advocate submits that deceased preferred representation before authorities seeking reinstatement on the ground that his matriculation certificate was genuine. The respondent has reinstated similarly situated employees. The inquiry was not conducted in true perspective. The deceased was discriminated.

7. On being confronted with the order dated 07.10.2005 passed by this Court in ***RSA No.176 of 1996***, Mr. Premjit Singh Hundal, Advocate expressed his inability to controvert the fact that RSA was dismissed holding that deceased was discharged in terms of Rule 12.21 of PPR and said order was not stigmatic.

8. The deceased employee was discharged in terms of Rule 12.21 of PPR. The deceased unsuccessfully challenged discharge order before Civil Court. His appeal was allowed, however, this Court set aside order of Appellate Court and restored order of trial Court. The certificate produced by deceased may or may not be genuine, however, on the ground that said certificate was genuine, this Court cannot invoke its writ

jurisdiction because discharge of petitioner has already been upheld by this Court in RSA. Any order of this Court would amount to recalling the order dated 07.10.2005 passed in ***RSA No.176 of 1996***.

9. Accordingly, the instant petition is hereby dismissed.

(JAGMOHAN BANSAL)
JUDGE

21.07.2025

Prince Chawla

Whether Speaking/reasoned: Yes/No

Whether Reportable: Yes/No