



CWP-17022-2025

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

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CWP-17022-2025

Date of Decision: 07.07.2025

Constable Jagtar Singh

...Petitioner

Versus

State of Punjab and others

...Respondents

CORAM: HON'BLE MR. JUSTICE JAGMOHAN BANSAL

Present: - Mr. Rakesh Gupta, Advocate for the petitioner

Mr. Aman Dhir, Deputy Advocate General, Punjab

JAGMOHAN BANSAL, J. (Oral)

1. The petitioner through instant petition under Article 226/227 of Constitution of India is seeking setting aside of: -

i. order dated 09.10.2009 (Annexure P-1) passed by respondent No.5 vide which he has been dismissed from service; and

ii. orders dated 03.05.2023 (Annexure P-6), 19.08.2020 (Annexure P-5), 28.07.2010 (Annexure P-3) and 22.12.2009 (Annexure P-2) passed by respondent Nos.1 to 4 respectively, vide which appeals filed by him have been dismissed.

2. The petitioner joined Punjab Police Force as Constable on 25.08.1991. He was implicated in 4 FIRs, details whereof are as under: -



- i. FIR No.187 dated 06.07.2006 under Sections 420, 467, 468 and 471 of Indian Penal Code, 1860 (for short '**IPC**') registered at Police Station City Batala, District Gurdaspur.
 - ii. FIR No.188 dated 06.07.2006 under Sections 420, 467, 468 and 471 of IPC (Sections 170 and 120-B of IPC added later on) registered at Police Station City Batala, District Gurdaspur.
 - iii. FIR No.189 dated 06.07.2006 under Sections 420, 467, 468 and 471 of IPC (Sections 170 and 120-B of IPC added later on) registered at Police Station City Batala, District Gurdaspur.
 - iv. FIR No.219 dated 19.07.2006 under Sections 120-B, 170, 420, 467, 468 and 471 of IPC registered at Police Station City Batala, District Gurdaspur.
3. The petitioner was placed under suspension w.e.f. 25.12.2006 vide order dated 08.01.2007. The respondent conducted inquiry and thereafter issued show cause notice. He was dismissed from service vide order dated 09.10.2009. He preferred an appeal before Deputy Inspector General of Police, Amritsar ('**DIG**') who dismissed his appeal vide order dated 22.12.2009. He preferred further appeal before Inspector General of Police, Amritsar ('**IG**'). The Appellate Authority rejected his appeal vide order dated 28.07.2010. He assailed aforesaid orders before Director General of Police, Punjab ('**DGP**') by way of appeal. His appeal came to be



dismissed vide order dated 09.08.2011. He was declared innocent during investigation and acquitted by the Trial Court in three cases and came to be convicted vide judgment dated 08.02.2016 passed in FIR No.219 dated 19.06.2006. This Court on the basis of compromise set aside aforesaid FIR vide order dated 25.05.2018. He preferred appeal before the State Government which remanded his matter back to DGP vide order dated 02.03.2020. The DGP again dismissed his appeal vide order dated 19.08.2020. He again preferred appeal before the State Government which vide order dated 03.05.2023 dismissed his appeal.

4. Learned counsel for the petitioner submits that the petitioner was dismissed from service on the ground that he did not join proceedings after getting anticipatory bail from this Court. The said ground cannot be a ground of dismissal from service.

5. On being confronted with the fact that petitioner was convicted by the Trial Court and his case squarely falls within Rule 16.2(2) of Punjab Police Rules, 1934 (for short '**PPR**'), learned counsel for the petitioner expressed his inability to controvert the aforesaid Rule. He simply submitted that conviction took place after his order of dismissal, thus, he could not be dismissed on the ground of conviction. This Court has already set aside aforesaid FIR wherein the petitioner was convicted, thus, he needs to be reinstated.

6. From the perusal of record, it is evident that petitioner was implicated in 4 FIRs. He was convicted by the Trial Court in FIR No.219 dated 19.07.2006 under Sections 120-B, 170, 420, 467, 468 and 471 of IPC registered at Police Station City Batala, District Gurdaspur. He was awarded



sentence of 3 years. There was allegation of cheating and forgery against him. This Court has set aside FIR on the basis of compromise meaning thereby conviction has not been set aside on merit.

7. In the case in hand, the petitioner was convicted by the Trial Court, thus, he was liable to be dismissed from service. Rule 16.3 of PPR does not come to his rescue because conviction was not set aside on merit. Had the petitioner been acquitted on merit, he was entitled to be reconsidered whereas it is a case of setting aside of FIR on the basis of compromise and that too after conviction. Case of the petitioner falls within exception carved out by Rule 16.3 of PPR.

8. There is another aspect of the matter. The petitioner after dismissal of his appeal by DIG preferred appeal before IG which was not maintainable. He preferred appeal before Government after dismissal of his appeal by DGP. There is no provision of appeal before Government against the orders of DGP. The petitioner kept on filing appeals before the higher authorities though these appeals were not maintainable at all. Appeals by all the higher authorities have been dismissed. The scope of interference in orders passed by quasi-judicial authorities is very limited. This Court cannot act as Court of appeal while considering petition against the orders passed by different departmental authorities. There is no manifest infirmity or illegality in the impugned orders warranting interference by this Court.

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



10. Before parting with the judgment, it is apt to observe that in the instant case, the petitioner filed multiple appeals before different authorities which were not maintainable under the applicable Rules. The authorities did not reject or return the appeals on the ground of non-maintainability instead adjudicated on merits. Such orders may encourage other officials to file similar type of appeals. The Director General of Police, Punjab may examine the matter and ensure that all appellate authorities should scrutinize the maintainability of appeals in accordance with the applicable Rules before proceeding to adjudicate on merits.

(JAGMOHAN BANSAL)
JUDGE

07.07.2025
Mohit Kumar

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