



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

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**211**

**CWP-23238-2017(O&M)  
Date of Decision: 04.11.2025**

ASHOK KUMAR

...Petitioner

Vs.

STATE OF HARYANA AND ORS.

...Respondents

**CORAM:- HON'BLE MR. JUSTICE JAGMOHAN BANSAL**

Present:- Mr. G.S. Gopera, Advocate  
for the petitioner

Mr. Ravi Partap Singh, DAG Haryana

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**JAGMOHAN BANSAL, J. (ORAL)**

1. The petitioner through instant petition under Article 226 of the Constitution of India is seeking setting aside of order dated 30.05.2014 whereby he was discharged from service.

2. The petitioner joined Haryana Police Force as Constable on 11.07.2012. He was deputed for training to Haryana Police Academy, Madhuban. He remained absent on 32 occasions for a period of 134 days during September, 2012 to September, 2013. He was sent back to parent unit i.e. HAP by Police Academy, Madhuban. He came to be embroiled in FIR No.373 dated 20.12.2013 under Sections 354-B/452/506 IPC registered at Police Station Kalanaur, District Rohtak. On account of his involvement in aforesaid FIR, he was placed under suspension vide order dated 12.04.2014. On account of absence from duty, the respondents initiated departmental inquiry which is evident from communication

dated 28.03.2014 of Inquiry Officer. The respondents vide impugned order dated 30.05.2014 discharged him from service in terms of Rule 12.21 of Punjab Police Rules, 1934 (as applicable to State of Haryana) (in short 'PPR') without waiting outcome of departmental inquiry. He was acquitted vide judgment dated 12.06.2015 passed by trial Court on the ground that witnesses have turned hostile. He preferred an appeal against order of discharge. IGP, Hisar Range, Hisar dismissed his appeal on the ground of limitation. Vide subsequent order dated 04.03.2016, the Appellate Authority concluded that petitioner was discharged from service, thus, appeal was not maintainable. He preferred revision before DGP Haryana which came to be dismissed on the ground of maintainability.

3. Learned counsel for the petitioner submits that petitioner was placed under suspension on account of FIR dated 20.12.2013. The respondents initiated departmental inquiry, however, discharged him without waiting outcome of the inquiry. The petitioner has been acquitted by trial Court. There was no serious charge against him. It was a family dispute which took colour of criminal case.

4. *Per contra*, learned State counsel submits that petitioner was discharged under Rule 12.21 of PPR because he was a habitual absentee. He remained absent during training period as well as on subsequent occasions. The order of discharge was not passed on account of FIR whereas it was primarily passed on account of absence from duty.

5. Learned State counsel produced original file which after perusal was returned to him.

6. From the perusal of original record, it is evident that petitioner was discharged on account of cumulative effect of absence from duty and involvement in a criminal case. The respondent considered question of inquiry under Rule 16.24 of PPR and thereafter formed an opinion that he should be discharged under Rule 12.21 of PPR because he is unlikely to prove an efficient police officer. There seems no infirmity in the said order.

7. There is another aspect of the matter. The petitioner was absent from duty during training. He remained absent without approval of the competent authority. He was absent on 32 occasions. He was discharged in 2014 and a period of 11 years has passed away. He had no service to his credit.

8. In the wake of above discussions and findings, this Court is of the considered opinion that the instant petition deserves to be dismissed and accordingly dismissed

9. Pending application(s), if any, also stands disposed of.

(JAGMOHAN BANSAL)  
JUDGE

November 04, 2025  
Deepak DPA

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|---------------------------|--------|
| Whether Speaking/reasoned | Yes/No |
| Whether Reportable        | Yes/No |