

**CWP-4860-2018****-1-****IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH****207****CWP-4860-2018****Date of Decision: 01.12.2025****Shish Pal through his legal representative****...Petitioner****Versus****State of Haryana and others****...Respondents****CORAM: HON'BLE MR. JUSTICE JAGMOHAN BANSAL**

Present: - Mr. Rakesh Sobti, Advocate and
Ms. Malika Sobti, Advocate for the petitioner
Mr. Ravi Partap Singh, Deputy Advocate General, Haryana

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 11.08.2016 whereby his request for regularization of dismissal period was declined.
2. The petitioner joined Haryana Police Force as Constable on 26.03.1976. He was promoted from time to time and in 2004 was holding rank of Assistant Sub-Inspector. He along with Constable Sanjay, Constable Vijay Kumar and Constable Vinod Kumar was enlisted to produce undertrial prisoner Manoj @ Manjit @ Sanjay before District Court, Rohini. Manoj was a habitual and dreaded criminal. Manoj was involved in 29 cases of robbery, theft, burglary and assault on Government Officials of Delhi and Gurugram. Manoj (undertrial prisoner) escaped from the custody of petitioner who was incharge of the police party. The respondent conducted thorough investigation and found that Manoj escaped because of gross negligence of petitioner and his companions. They took away undertrial

**CWP-4860-2018****-2-**

prisoner in a car to a hotel named Metro located in the market of Sector 10, Dwarka. Car was arranged by two companions of undertrial. The undertrial prisoner, with the help of his friends, escaped from the custody of police party. Police party cooked a story that Manoj has escaped while they got down at Rajiv Chowk, Gurugram from Rajasthan Roadways bus. In the inquiry, version of the petitioner was found totally false. It was found that petitioner and his other members of police party did not fire despite having sufficient arms. In view of inquiry, the petitioner was dismissed from service. He preferred an appeal before the Appellate Authority which taking a lenient view ordered to convert punishment of dismissal from service into voluntary retirement. The Appellate Authority further ordered that absence period i.e. period during which he remained absent shall be treated as no work no pay and would not be paid anything more than what has already been paid. The petitioner was acquitted by the Trial Court vide judgment dated 21.12.2015 in FIR No.292 dated 22.07.2008 under Sections 223, 224, 225 and 120-B of Indian Penal Code, 1860 registered at Police Station Sadar, Gurugram which was lodged against the petitioner and his companions. The petitioner claims that dismissal period i.e. from 30.07.2008 to 30.05.2009 should be counted towards service for all intents and purposes. The respondent without reason dispensed with inquiry as contemplated by Rule 16.24 of Punjab Police Rules, 1934 (as applicable to State of Haryana) (for short '**PPR**') read with Article 311 of the Constitution of India.

3. Learned State counsel reiterated and supported impugned order.

4. I have heard the arguments of learned counsel for the parties

and perused the record with their able assistance.

**CWP-4860-2018****-3-**

5. From the perusal of record, it is evident that petitioner was enlisted to produce one dreaded criminal before Rohini Court, New Delhi. The undertrial prisoner despite presence of four police officials managed to escape. The petitioner and his companions did not use their arms. As per Rule 16.37 of PPR, he was liable to be dismissed from service because in the inquiry, he was found guilty. The respondent did not conduct formal inquiry as per Rule 16.24 and Article 311 of constitution of India, however, detailed inquiry was conducted to find out factual position regarding escape of undertrial prisoner. In the inquiry, it was revealed that petitioner and his companions violated the protocol and incident took place. They were not supposed to travel in a car arranged by the prisoner. They were further not expected to go to a hotel for food wherein incident took place. The hotel where they visited did not fall in their way. The Appellate Authority, taking lenient view, reinstated him and ordered to compulsorily retire. He was awarded punishment as less as possible. He was deprived from salary or other benefits for a small period i.e. from 30.07.2008 to 30.05.2009. He was having 33 years service to his credit, thus, got pension and other pensionary benefits.

6. In the wake of above discussion and findings, this Court does not find it appropriate to interfere with the impugned order. The petition being bereft of merit deserves to be dismissed and accordingly dismissed.

(JAGMOHAN BANSAL)
JUDGE

01.12.2025*Mohit Kumar*

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