



CWP-21304-2024

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

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CWP-21304-2024

Date of Decision: 21.05.2025

Nirmaljit Singh

...Petitioner

Versus

State of Punjab and others

...Respondents

CORAM: HON'BLE MR. JUSTICE JAGMOHAN BANSAL

Present: - Mr. A.K. Walia, Advocate for the petitioner

Mr. Aman Dhir, Deputy Advocate General, Punjab

JAGMOHAN BANSAL, J. (Oral)

1. The petitioner through instant petition under Articles 226 of the Constitution of India is seeking setting aside of order dated 10.07.2024 (Annexure P-15) passed by Appellate Authority pursuant to order dated 11.01.2024 (Annexure P-14) passed by this Court in *CWP No.15636 of 2022*.

2. The petitioner was appointed as Constable on 03.12.1993 in Punjab Armed Police. An FIR No.133 dated 11.06.2014 under Section 22 of NDPS Act, came to be registered against the petitioner at Police Station, Sarabha Nagar, Ludhiana. On the one hand, the police after completing investigation filed its report under Section 173 of Cr.P.C. before the Trial Court and on the other hand, the departmental proceedings came to be initiated against the petitioner. The Commissioner of Police, Ludhiana vide



order dated 11.06.2014 dismissed the petitioner from service. The petitioner unsuccessfully preferred appeal and revision. The petitioner faced criminal trial where he came to be acquitted vide judgment dated 07.08.2018 passed by Judge, Special Court, Ludhiana. The Trial Court has held that the prosecution has failed to prove effecting of alleged recovery from the accused beyond shadow of doubt, consequently, he was acquitted of the charge for the benefit of doubt.

3. On the ground of acquittal, the petitioner approached this Court by way of CWP No.15636 of 2022 which was disposed of vide order dated 11.01.2024 with the following observations: -

“6. The acquittal from criminal proceedings does not automatically entitle immunity from departmental action. A police officer may be subjected departmental punishment despite acquittal in criminal proceedings as per exceptions carved out in Rule 16.3 of Punjab Police Rules, 1934. If acquittal is not based upon exceptions carved out in Rule 16.3 of Punjab Police Rules, 1934, a police officer is entitled to immunity from departmental action.

7. From the reading of proviso to sub-rule (2) of Rule 16.2 of Punjab Police Rules, it is quite evident that in case of setting aside of conviction, the officer empowered to appoint is duty bound to review case of the police officer. The original as well as appellate order was passed prior to judgment of acquittal, thus, neither original nor appellate authority had advantage to look at findings of trial court.

8. In the wake of above quoted rules, the appointing authorities are duty bound to review case of the petitioner. To cut short the litigation, instead of original authority, the matter is remanded back to the appellate authority to review case of the petitioner in the light of proviso to subrule (2) of Rule 16.2 read with Rule 16.3 of Punjab Police Rules. The needful shall be done within six months from today.



9. *Disposed of in above terms.*”

4. In terms of aforesaid order, the Special Director General of Police, Law & Order, Punjab has passed order dated 10.07.2024. The relevant extracts whereof read as: -

“5. In connection with the orders dated 11.01.2024 passed by the Hon’ble High Court and before passing the orders, the service record of the petitioner was obtained from the Commissioner of Police Ludhiana and was considered by the undersigned. Besides legal advised (sic) of the Law Officer, Crime, Punjab was also obtained in this connection which is reproduced below: -

“I am of the considered opinion that acquittal in the criminal case does not automatically reinstate the employee as the case of the delinquent official falls under clause (a) of Rule 16.3.”

6. In view of the above after considering the judgment dated 07.08.2018 delivered by the Hon’ble Court in the criminal case against the petitioner and orders dated 11.01.2024 passed by the Hon’ble High Court in CWP No.15636 of 2022 filed by the petitioner, I uphold the office order No.58888-93/CRC dated 11.06.2014 passed by the Commissioner of Police Ludhiana vide which the petitioner was dismissed from service.”

5. Mr. A.K. Walia, Advocate *inter alia* contends that petitioner was dismissed as soon as FIR was registered against him. He was not granted opportunity to defend himself. There was no reason to invoke second proviso to Article 311(2) of the Constitution of India. He has been acquitted in the criminal case, still he has not been reinstated, forming an opinion that he was acquitted on technical ground. The respondent has not conducted any inquiry, thus, its act amounts to overreaching the judgment of Trial Court.



6. Mr. Aman Dhir, learned State counsel expressed his inability to controvert the fact that Special Director General of Police, Law & Order, Punjab has not passed the impugned order in true spirit. He has simply rejected claim of the petitioner.

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

8. From the perusal of above quoted order, it is evident that Special Director General of Police, Law & Order, Punjab has relied upon legal advice of Law Officer, Crime, Punjab who in turn has also simply opined that acquittal in criminal case does not automatically reinstate the employee.

9. This Court had directed the Special Director General of Police, Law & Order, Punjab to examine findings of the Trial Court whereby the petitioner was acquitted and thereafter, reconsider his case in terms of Rule 16.2 read with Rule 16.3 of Punjab Police Rules, 1934. From the impugned order, it is evident that Special Director General of Police, Law & Order, Punjab has acted in a very casual manner and attempted to deflect from his responsibility. This is not an isolated instance whereas he has passed similar orders on earlier occasions.

10. In the wake of above discussion and findings, this Court is of the considered opinion that impugned order dated 10.07.2024 (Annexure P-15) deserves to be set aside and accordingly set aside with a direction to respondent No.2-Director General of Police, Punjab to examine the matter himself and pass an appropriate order in the light of observations of this Court in order dated 11.01.2024 within two months from today.



11. It is hereby made clear that if in future this Court comes across similar orders as impugned herein, an adverse opinion would be formed.
12. Disposed of in above terms.

(JAGMOHAN BANSAL)
JUDGE

21.05.2025
Mohit Kumar

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