



RSA-2829-2015 (O&M)

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

**RSA-2829-2015 (O&M)
Reserved on : 11.09.2025
Pronounced on : 15.09.2025**

Garifan Masih

.....Appellant

Vs.

The Punjab State and others

.....Respondents

CORAM: HON'BLE MRS. JUSTICE SUDEEPTI SHARMA

Present : Mr. Sushane Puri, Advocate, for
Mr. K.G.Chaudhry, Advocate,
for the appellant.

Mr. Ravneet S. Joshi, DAG, Punjab,
for the respondents.

SUDEEPTI SHARMA J. (ORAL)

1. The present Regular Second Appeal is preferred against the judgment and decree dated 16.01.2015 passed by learned District Judge, Gurdaspur, whereby, the appeal filed by the respondents against the judgment and decree dated 13.02.2013 passed by learned Additional Civil Judge (Senior Division), Gurdaspur, was allowed.

BRIEF FACTS

2. Brief facts of the case as pleaded in the civil suit are that the appellant was serving in the Police Department. He remained absent from duty for the period of 03 months, 23 days and 12 hours from 07.09.2003 till



30.12.2003. Therefore, punishment of forfeiting one year approved service with permanent effect was inflicted upon him, vide order dated 27.09.2004 by respondent No.3. He filed departmental appeal, which was rejected vide order dated 13.10.2008 by respondent No.2. Therefore, he filed civil suit challenging the order dated 27.09.2004 and order dated 13.10.2008, which was decreed in his favour by learned Additional Civil Judge (Senior Division), Gurdaspur, vide its judgment and decree dated 13.02.2013. The respondents filed appeal against the judgment and decree dated 13.02.2013, which was allowed by the District Judge, Gurdaspur, vide its judgment and decree dated 16.01.2015. Hence, the present regular second appeal.

SUBMISSIONS OF THE LEARNED COUNSELS FOR THE PARTIES

3. Learned counsel for the appellant contends that learned District Judge, Gurdaspur, vide its judgment and decree dated 16.01.2015 has wrongly reversed a well reasoned judgment and decree dated 13.02.2013 passed by learned Additional Civil Judge (Senior Division), Gurdaspur. He, therefore, prays that the present appeal be allowed.

4. Per contra, learned counsel for the respondents submits that learned District Judge, Gurdaspur, has rightly allowed the appeal filed by the respondents.

5. I have heard learned counsel for the parties and perused the whole record of the case with their able assistance.



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6. A perusal of the judgment and decree dated 13.02.2013 shows that the civil suit of the appellant was decreed in his favour by learned Additional Civil Judge (Senior Division), Gurdaspur, by relying upon the judgment passed by this Court in **Punjab State Vs. Joginder Singh, 1992(3) SCT, 971**. Learned District Judge, Gurdaspur, while deciding the appeal filed against the judgment and decree dated 13.02.2013 has allowed the appeal on the ground that the judgment relied upon by learned Additional Civil Judge (Senior Division), Gurdaspur, i.e. **Joginder Singh's case (supra)** was set aside by the Division Bench of this Court in **CWP-19730-2003** titled as '**Ranjit Singh Vs. State of Punjab and others**' decided on **14.09.2006**.

8. In view of the above, I do not find any infirmity or illegality in the judgment and decree dated 16.01.2015 passed by learned District Judge, Gurdaspur, and the same is hereby upheld.

9. Consequently, the present appeal is **dismissed**.

10. Decree sheet be drawn.

11. Pending application(s), if any, also stand disposed of.

(SUDEEPTI SHARMA)
JUDGE

15.09.2025

Virender

Whether speaking/non-speaking : Yes

Whether reportable : Yes/No