



LPA No. 193 of 2025 (O&M) -1-

121 IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

LPA No. 193 of 2025 (O&M)
DATE OF DECISION: 07.11.2025

DALJIT SINGH

.....APPELLANT

Vs.

THE STATE OF PUNJAB AND OTHERS

.....RESPONDENTS

CORAM: HON'BLE MR. JUSTICE ANUPINDER SINGH GREWAL
HON'BLE MR. JUSTICE AMARINDER SINGH GREWAL

Present: Mr. Amandeep Saini, Advocate,
for the applicant-appellant.

Mr. Aftab Singh Khara, Sr. D.A.G., Punjab.

ANUPINDER SINGH GREWAL, J.(ORAL)

CM No. 444 of 2025

This application is for condoning the delay of 05 days in
refiling the appeal.

After going through the contents of the application and having
heard learned counsel for the applicant-appellant, the delay of 05 days in
re-filing the appeal is condoned and the application stands allowed.

LPA No. 193 of 2025

The instant Letters Patent Appeal has been filed by the
appellant challenging the judgment passed by the learned Single Bench
whereby the petition filed by the appellant seeking setting aside of the
order dated 31.08.1995 (Annexure P-2), whereby he was dismissed from
service, has been rejected.



2. Learned counsel for the appellant submits that the earlier absence of the appellant was erroneously taken into account by the respondents while passing the impugned order of dismissal dated 31.08.1995. The appellant was not afforded adequate opportunity to defend the charges levelled against him.

3. Heard.

4. The appellant is stated to have joined as a Constable in Punjab Police on 06.04.1986. He had absented from duty without authorized leave w.e.f. 01.12.1992 to 22.02.1993. Departmental proceedings were initiated against him but he did not join the enquiry and was subsequently dismissed from service on 05.03.1994. He challenged the order of dismissal by preferring Civil Writ Petition No. 6597-1994, whereby the dismissal order dated 05.03.1994 was set aside and the appellant was ordered to be reinstated in the meantime only on the ground that the notice had not been personally served upon him. However, liberty was granted to the competent authority to conduct a fresh enquiry and it was held that it shall not preclude the competent authority from passing a fresh order in accordance with law following the principles of *natural justice*. The appellant was taken back on duty and thereafter the respondents had issued a fresh show-cause notice to him yet again he absented himself from duty and did not respond thereto or join enquiry. The competent authority consequently passed the order of dismissal on 31.08.1995 (Annexure P-2). The appellant challenged the dismissal order dated 31.08.1995 before the Single Bench only in the year 1999 by filing writ petition bearing No. 17538 of 1999. The Single Bench by the impugned order dismissed his petition observing



that unauthorised absence from duty amounts to grave misconduct and thus dismissal from service is justified.

5. It is trite that absence from duty by a police personnel constitutes a serious act of misconduct, warranting dismissal from service. Reference can be made to the judgment of the Supreme Court in *Ex Sepoy Madan Prasad vs. Union of India and others*, (2023) 9 SCC 100. The relevant extract thereof is reproduced as under:-

“10. It is apparent from the above table that the appellant was a habitual offender. There were four red ink entries and one black ink entry against him before the present incident cited at serial number (f) above. Such gross indiscipline on the part of the appellant who was a member of the Armed Forces could not be countenanced. He remained out of line far too often for seeking condonation of his absence of leave, this time, for a prolonged period of 108 days which if accepted, would have sent a wrong signal to others in service. One must be mindful of the fact that discipline is the implicit hallmark of the Armed Forces and a non-negotiable condition of service.

xxxx xxxx xxxx xxxx

17. For the aforesaid reasons, we do not find any infirmity in the impugned judgment passed by the AFT. The appellant had been taking too many liberties during his service and despite several punishments awarded to him earlier, ranging from imposition of fine to rigorous imprisonment, he did not mend his ways. This was his sixth infraction for the very same offence. Therefore, he did not deserve any leniency by infliction of a punishment lesser than that which has been awarded to him.”

XXXX XXXX XXXX XXXX



6. In view of the above, we do not find any illegality in the judgment passed by the learned Single Judge upholding the appellant’s dismissal from service. Consequently, the LPA being devoid of any merit, stands dismissed.

7. Pending miscellaneous application(s), if any, shall also stand disposed of.

(ANUPINDER SINGH GREWAL)
JUDGE

NOVEMBER 07, 2025
nitin

(AMARINDER SINGH GREWAL)
JUDGE

Whether Speaking	Yes
Whether Reportable	No