



CWP-7378-2026

:1:

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

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CWP-7378-2026 (O&M)
Date of decision : 01.04.2026

SUKHWINDER SINGH

..... Petitioner

VERSUS

STATE OF HARYANA AND OTHERS

..... Respondents

CORAM : HON'BLE MR. JUSTICE DEEPINDER SINGH NALWA

Present :- Mr. Eeshan Garg, Advocate
for the petitioner.

Deepinder Singh Nalwa, J. (Oral)

1. In the present writ petition, the petitioner has challenged the order dated 20.09.2021 (Annexure P-1) passed by the Additional Chief Secretary, Home Department, Haryana, vide which, the representation filed by the petitioner against the order dated 22.06.2016 (Annexure P-6), whereby the respondents had imposed a punishment of stoppage of five annual increments with cumulative effect, has been dismissed.

2. Brief facts of the case are that the petitioner joined as a Constable in the Haryana Police in the year 1988. As per the petitioner, he suffered acute depression and illness in the month of June 2010, rendering him medically unfit to attend his duties. A perusal of the record shows that a charge-sheet was issued to the petitioner for absence for a period of 121 days

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and 03 hours. The petitioner duly filed a reply to the above said charge-sheet; however, the same was not found to be credit worthy. As a consequence, an Enquiry Officer was appointed and departmental proceeding was initiated against the petitioner on account of the above said absence. The charges were proved in the enquiry by the Enquiry Officer. On the basis of the report of the Enquiry Officer, the Superintendent of Police, Panchkula passed an order dated 14.01.2011 (Annexure P-2) vide which, the petitioner was dismissed from service. Aggrieved against the said order of dismissal, the petitioner filed an appeal before the Appellate Authority, which was also dismissed vide order dated 25.05.2011 (Annexure P-3). Aggrieved against the above said orders dated 14.01.2011 (Annexure P-2) and 25.05.2011 (Annexure P-3), petitioner preferred a revision petition before the Revisional Authority, which was also dismissed vide order dated 20.08.2011 (Annexure P-4). Thereafter, petitioner filed mercy appeal before Director General of Police, Haryana and the same was dismissed on 02.05.2013 (Annexure P-5).

3. Thereafter, the petitioner again filed a mercy appeal before the State Government. The above said mercy appeal was accepted vide order dated 22.06.2016 (Annexure P-6), whereby the order of punishment of dismissal was modified to the extent of stoppage of 05 annual increments with cumulative effect. In pursuance thereof, the petitioner was reinstated in service.

4. Aggrieved against the above said order dated 22.06.2016 (Annexure P-6), the petitioner again submitted a mercy

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appeal/representation on 25.10.2017 (Annexure P-7) to Additional Chief Secretary, Home Department, Haryana. The petitioner retired from service on attaining the age of superannuation on 30.08.2020. Retiral benefits were released to the petitioner taking into consideration the order of punishment. The petitioner again submitted a representation dated 05.09.2020 (Annexure P-11) to Additional Chief Secretary, Home Department, Haryana for reconsideration of order of punishment dated 22.06.2016 (Annexure P-6). It transpires that as the representation submitted by the petitioner was not decided, the petitioner filed a writ petition in this Court, being CWP-1431 of 2021. During the pendency of the said writ petition, it was noticed that the competent authority had passed an order dated 20.09.2021 (Annexure P-1), whereby representation submitted by the petitioner was dismissed. As such, the above said writ petition was dismissed as withdrawn vide order dated 27.08.2025 (Annexure P-12).

5. A perusal of the order dated 20.09.2021 (Annexure P-1) would show that reference has been made to the earlier order whereby the order of dismissal was modified to an extent of stoppage of five future annual increments with cumulative effect. It also shows that petitioner was a habitual absentee.

6. Aggrieved against the order dated 20.09.2021 (Annexure P-1), petitioner has filed the present writ petition. The only contention raised by learned counsel appearing on behalf of petitioner is that the medical certificates furnished by the petitioner to show that absence was not wilful were not taken into consideration by the Enquiry Officer in its enquiry

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report, as such, the impugned order dated 20.09.2021 (Annexure P-1) is liable to be set aside.

7. Notice of motion.

8. Mr. Ravi Pratap Singh, DAG, Haryana, accepts notice on behalf of respondents.

9. After hearing learned counsel appearing on behalf of petitioner, it is not in dispute that the petitioner remained absent for 121 days and 03 hours. It is well settled law that this Court while exercising jurisdiction under Article 226 of the Constitution of India, is not a Court of appeal and cannot re-appreciate the evidence or go into the sufficiency of the evidence. Even otherwise also, it is not the case of petitioner that enquiry was not fair and proper. The petitioner has also not challenged the enquiry report, wherein, the charge of absence has been proved.

10. In light of the above said facts and circumstances, this Court finds no merit in present writ petition and the same is accordingly dismissed.

(DEEPINDER SINGH NALWA)
JUDGE

01.04.2026

Rimpal

Whether speaking/reasoned
Whether Reportable :

Yes/No
Yes/No