



IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

RSA-2499-1999 (O&M)

OM PARKASH THROUGH LRs

..Appellant

Versus

STATE OF HARYANA AND ORS.

..Respondents

Reserved on: 20.03.2026

Pronounced on : 27.03.2026

Uploaded on: 06.04.2026

Whether only the operative part of the judgment is pronounced? NO
Whether full judgment is pronounced? YES

CORAM: HON'BLE MRS. JUSTICE SUDEEPTI SHARMA

Present: Mr. Eklavya Gupta, Advocate
for the appellant.

Mr. Ram Karan Sharma, DAG, Haryana.

* * * * *

SUDEEPTI SHARMA, J. (Oral)

1. The present appeal is preferred against judgment and decree dated 22.03.1999 passed by District Judge, Ambala, whereby, appeal filed by the respondents against judgment and decree dated 18.04.1998 passed by learned Civil Judge (Jr. Division), Ambala has been allowed.

2. Brief facts of the case as per the civil suit are that appellant-Om Parkash was appointed as Constable in the Police Department and he served the department honestly and faithfully. In the year 1990, he was posted and transferred to Finger Print Bureau, madhuban where he performed his duty well but on 07.07.1990 he was suspended for remaining absent for 1½ hours and he was transferred to Police Lines, Ambala where he was again suspended on 11.09.1990 for the same cause of action, being found absent from duty at 08.00 PM. In fact, on that date, he was already under



suspension and was performing his duties at Police Lines, Ambala and false report was made against him to harm him. The officer in-charge of appellant was biased against him and accordingly he was falsely shown to be absent from duty which is clear from the fact that he was suspended twice for the same cause of action. He brought the matter to the notice of his superiors but no action was taken. Ultimately he was dismissed from service vide order dated 15.09.1991 without affording any opportunity of being heard, nor any chargesheet, allegations of charges, memo of charges and list of witnesses was ever supplied to him. Appellant challenged dismissal order dated 15.09.1991 by filing civil suit on the ground that it was passed without affording him opportunity of being heard and that no chargesheet, memo of allegation and list of witnesses were ever supplied to him. Further *inter alia* on the ground that no notice regarding enquiry was ever sent to him and enquiry was held at his back. Civil suit filed by him was decreed in his favour vide judgment and decree dated 18.04.1998 passed by learned Civil Judge (Jr. Division), Ambala City. Respondents filed appeal against the same which was allowed by District Judge, Ambala vide judgment and decree dated 22.03.1999. Hence, the present regular second appeal.

3. Learned counsel for the appellant contends that learned District Judge, Ambala has wrongly set aside the well-reasoned judgment and decree dated 18.04.1998 passed by learned Civil Judge (Jr. Division), Ambala.

4. Per contra learned counsel for respondents contend that appeal filed by the respondents has been rightly allowed by District Judge, Ambala vide judgment and decree dated 22.03.1999. He, therefore, prays that the present appeal be dismissed.



5. He relies on the following judgments passed by this Court to support his arguments:-

- i. *State of Punjab Vs. Constable Daljit Singh, 1998(2) RSJ 70*
- ii. *Swaran Singh Vs. State of Punjab and another, 2015(4) PLR 867*

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

7. As per record, Azad Singh working as clerk in the office of Superintendent of Police, Ambala was examined as DW-1 and on the basis of the record which he had brought, he stated that appellant was suspended vide order dated 09.07.1990 by Deputy Inspector General of Police and he was repatriated to Ambala District. Vide order dated 11.09.1990 appellant was reinstated pending enquiry and he was again suspended w.e.f. 11.09.1990 vide order dated 23.11.1990 (Ex.D-1).

8. A perusal of Ex.D-1 shows that on 11.09.1990 at the time of roll call he was found absent at 08.00 PM and he did not turn up till 21.11.1990 when the report was submitted and accordingly vide order dated 23.11.1990 he was placed under suspension and departmental enquiry was conducted against him. This witness was cross-examined at length but his veracity could not be shaken.

9. A perusal of the record (Ex.D-2 to D-5) further shows that chargesheet along with list of witnesses, notice to appear before inquiry officer and join the enquiry proceedings was sent to him but he did not join and accordingly, ex parte proceedings were initiated against him. A perusal of the record further shows that even appellant could not find any fault in the enquiry proceedings since principles of natural justice were duly followed in



the same. And as per record appellant continuously remained absent from duty for a period of one year.

10. Now coming to the judgments referred to by learned State counsel. This Court in *State of Punjab Vs. Constable Daljit Singh, 1998(2) RSJ 70* and *Swaran Singh Vs. State of Punjab and another, 2015(4) PLR 867* held that in a disciplined force even one day's absence without intimation cannot be ignored.

11. In view of the above, I do not find any infirmity in judgment and decree dated 22.03.1999 passed by learned District Judge, Ambala, the same is hereby affirmed.

12. Accordingly, the present regular second appeal is ***dismissed***.

13. Decree sheet be prepared accordingly.

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

27.03.2026

Gaurav Arora

(SUDEEPTI SHARMA)
JUDGE

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