

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

RSA-3722-2007 (O&M)

UNION OF INDIA AND ORS.

..Appellants

Versus

GURCHARAN SINGH

..Respondent

Reserved on: 23.03.2026

Pronounced on : 06.05.2026

Uploaded on : 08.05.2026

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. Amit Arora, Advocate
for the appellants.

Mr. J.S. Brar, Advocate
for respondent.

SUDEEPTI SHARMA, J.

1. The present regular second appeal is preferred against judgment and decree dated 27.09.2006 passed by learned District Judge, Muktsar, whereby, appeal filed by respondent against judgment and decree dated 23.09.2004 passed by learned Civil Judge (Senior Division), Muktsar was allowed.

BRIEF FACTS OF THE CASE

2. Brief facts of the case as per the pleadings in the civil suit are that respondent was employed as Constable in C.R.P.F. and was working for 10 years as regular employee. He was suspended vide order dated 05.04.1999 and thereafter dismissed from service vide order dated 04.12.1999. He filed civil suit challenging both the orders. The civil suit



filed by him was dismissed by learned Civil Judge (Senior Division), Muktsar vide judgment and decree dated 23.09.2004. He filed appeal against the same, which was allowed by learned District Judge, Muktsar vide judgment and decree dated 27.09.2006. Hence the present appeal.

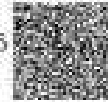
SUBMISSIONS OF LEARNED COUNSEL FOR THE PARTIES:-

3. Learned counsel for the appellants contends that learned First Appellate Court has wrongly reversed well reasoned judgment and decree dated 23.09.2004 passed by learned Civil Judge (Senior Division), Muktsar. He further contends that learned First Appellate Court did not appreciate the facts and evidence on record while accepting the appeal filed by the respondent. Further that learned First Appellate Court by relying upon Rule 27(7) of Central Reserve Police Force Rules, 1955 (in short '1955 Rules) has allowed the appeal filed by the respondent without appreciating that Rule 27(7) of 1955 Rules was deleted on 26.01.1980. He, therefore, prays that present appeal be allowed.

4. Per contra, learned counsel for respondent contends that learned First Appellate Court has rightly allowed the appeal filed by the respondent. He, therefore, prays that the present appeal be dismissed.

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

6. A perusal of the record shows that basic ground taken by respondent challenging his suspension as well as dismissal order is that enquiry against him was conducted under 1955 Rules but impugned order was passed in violation of Rule 27(7) of 1955 Rules, since no show cause notice regarding particular penalty proposed to be inflicted was served upon



the respondent before dismissing him from service. Only on this ground learned First Appellate Court allowed the appeal filed by the respondent.

7. A perusal of the record shows that Rule 27(7) of 1955 Rules was deleted on 26.01.1980 i.e. much before the date of suspension and dismissal of the respondent. Therefore, learned First Appellate Court has committed grave error in allowing the appeal by relying upon Rule 27(7) of 1955 Rules.

8. In view of the same, justice demands that matter be remanded to learned First Appellate Court to decide the appeal filed by the respondent afresh after taking into consideration the Rules actually applicable in case of the respondent and the fact that Rule 27(7) of the 1955 Rules was deleted way back on 26.01.1980.

9. Having regard to the fact that the appeal pertains to the year 2006, learned First Appellate Court is directed to make sincere endeavour to decide the matter expeditiously, preferably within a period of 3 months from the date of appearance of the parties on day-to-day basis.

10. The parties through their learned counsel are directed to appear before learned First Appellate Court on 19.05.2026.

11. The present regular second appeal is disposed of accordingly.

12. Pending miscellaneous applications, if any, are also disposed of.

06.05.2026

Ayub/Sahil

(SUDEEPTI SHARMA)
JUDGE

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