



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

RSA-2516-2006 (O&M)

STATE OF PUNJAB AND ORS.

..Appellants

Versus

JASBIR SINGH

..Respondent

Reserved on: 24.03.2026

Pronounced on : 27.04.2026

Uploaded on : 29.04.2026

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. Animesh Sharma, Addl. A.G. Punjab.

Mr. Sudeep Mahajan, Sr. Advocate
with Ms. Saachi Mahajan, Advocate
Mr. Shiv Charanjit, Advocate
Mr. Samridham Goyal, Advocate
Ms. Amrit Kaur, Advocate
for respondent.

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SUDEEPTI SHARMA, J.

1. The present regular second appeal is preferred against judgment and decree dated 02.09.2004 passed by learned Civil Judge (Junior Division), Amritsar, whereby, civil suit filed by respondent was decreed in his favour by holding that he will not be entitled to any salary, pay or regular service benefits w.e.f. 26.03.2000 till the time of joining his duties with the appellants, and judgment and decree dated 01.12.2005 passed by learned Additional District Judge, Amritsar, whereby, appeal filed by respondent against that portion of non-entitlement of salary was allowed.

**BRIEF FACTS OF THE CASE**

2. Brief facts of the case as per the pleadings in the civil suit are that respondent joined Punjab Police, Amritsar on 13.05.1992. On 26.03.2000 he was absent from duty. On 18.10.2000, respondent appeared in enquiry and summary of allegation and list of witnesses were supplied to him. On 11.12.2000 he failed to attend enquiry further and was proceeded against ex parte. On 09.04.2001, show cause notice was issued to him. On 06.08.2001 he was dismissed from service. On 17.05.2002 departmental appeal filed by him against the dismissal order dated 06.08.2001 was dismissed. He filed civil suit challenging orders dated 06.08.2001 and 17.05.2002. The civil suit filed by him was decreed vide judgment and decree dated 02.09.2004 passed by learned Civil Judge (Junior Division), Amritsar but he was not held entitled to pay. He filed appeal against the same, which was allowed vide judgment and decree dated 01.12.2005 passed by learned Additional District Judge, Amritsar. Hence the present appeal.

SUBMISSIONS OF LEARNED COUNSEL FOR THE PARTIES:-

3. Learned counsel for the appellants contends that both the Courts did not appreciate the very fact that respondent remained absent from duty and he was habitual absentee, 4 major and 15 minor punishments besides 2085 days of non-duty period in total service of nine years is noted in his record. He further contends that respondent remained absent for 1 year 2 months and 17 days. Therefore, the findings given by both the courts require interference by this Court. He, therefore, prays that present appeal be allowed.



4. Per contra, learned Sr. counsel for respondent contends that both the Courts have rightly allowed the civil suit as well as 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 admittedly the respondent was habitual absentee and he remained absent from duty for 2085 days in total service of 9 years. He joined Punjab Police on 13.05.1992 and 4 major and 15 minor punishments were imposed upon him. He remained absent from morning roll call on 26.03.2000. No leave was applied by him or got sanctioned by him from his Superior Officer. The civil suit was decreed in his favour by holding that he would not be entitled to any salary or regular service benefits w.e.f. 26.03.2000 till his joining the duty since he remained absent during the said period. Liberty was granted to the appellants to pass a fresh punishment order in accordance with provisions of Punjab Police Rules 1964. He preferred appeal against this part of order before learned Additional District Judge, Amritsar. After the decision of civil suit, respondent was reinstated in service vide order dated 24.12.2004 and it was ordered that he would not be entitled to any salary from 26.03.2000 till the date of his joining. The process for passing fresh order in the enquiry was started. Thereafter, he filed civil appeal against judgment and decree dated 02.09.2004, whereby, he was held entitled to pay for the whole period of his absence, however, liberty was granted to the appellants to pass a fresh punishment order on the basis of enquiry report in accordance with provision of Rule 16.24 of Punjab Police Rules 1934.



7. Vide order dated 11.03.2008 passed by Coordinate Bench of this Court, operation of judgment of First Appellate Court with regard to payment of backwages and other service benefits was stayed, therefore, learned counsel for the appellant was directed to seek instructions regarding the fresh punishment order on the basis of enquiry report since this portion was never stayed by Coordinate Bench of this Court.

8. He has submitted that in compliance of judgment and decree passed by both the Courts, show cause notice for dismissal from service was issued to him, which he received on 11.11.2005. He submitted his reply, which was considered and his length of service was checked and it was found that he was not entitled for pension. Thereafter, a fresh order of dismissal dated 01.12.2006 was passed whereby, he was dismissed from service. He never challenged fresh order of dismissal dated 01.12.2006. Therefore, in fact judgment and decree dated 01.12.2005 is implemented and a fresh order of punishment on the basis of enquiry report in accordance with provisions of Rule 16.24 of Punjab Police Rules, 1934 is passed.

9. So far as holding respondent entitled to all pay, power and privileges by learned Additional District Judge, Amritsar vide judgment and decree dated 01.12.2005 is concerned, the same are perverse without application of mind and appreciation of evidence on record as per which admittedly respondent remained absent from duty without any sanctioned leave. Learned First Appellate Court totally ignored the reasoning given by the respondent for his absence that he remained absent since he was under influence of evil spirit. The respondent was working on the police post which is a responsible post and remaining absent on such a ground is no



excuse which learned First Appellate Court totally ignored and granted pay for the period, he did not work, the same is not acceptable to this Court.

10. 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.

Decision

11. In view of the above discussion, judgment and decree dated 02.09.2004 passed by learned Civil Judge (Junior Division), Amritsar and judgment and decree dated 01.12.2005 passed by learned Additional District Judge, Amritsar are set aside.

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

13. Decree sheet be prepared accordingly.

14. All the pending miscellaneous applications, if any, are also disposed of.

27.04.2026

Ayub/Saahil

**(SUDEEPTI SHARMA)
JUDGE**

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