



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

**CWP No.15119 of 2018(O&M)**  
**Reserved on: 08.04.2026**  
**Date of Pronouncement:27.04.2026**  
**Uploaded on: 27.04.2026**

Gurbir Singh ...Petitioner

Versus

State of Punjab and others ...Respondents

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**CORAM: HON'BLE MR. JUSTICE DEEPINDER SINGH  
NALWA**

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Present: Mr. Lajwant Singh Virk, Advocate for the petitioner.  
Mr. Rohit Ahuja, DAG, Punjab.

**DEEPINDER SINGH NALWA, J. (Oral)**

1. In the present writ petition, the petitioner has challenged the order dated 17.12.2015 (Annexure P-6), passed by Commandant Forth, IRB, Jalandhar (camp at Kapurthala) vide which petitioner has been dismissed from service. The petitioner has also challenged the subsequent orders passed by the Higher Authorities, vide which the aforesaid order of dismissal dated 17.12.2015 (Annexure P-6) has been upheld.

2. The brief facts of the case are that the petitioner was appointed as a Constable on 10.12.2002 in the Police Department under the sports category, being an international-level wrestler. First Information Report (for short 'FIR') No.108 dated 10.08.2012 was registered against the petitioner under Sections 498-A and 328 of the Indian Penal Code, 1860 at Police Station Lambi, District Sri Muktsar Sahib. The elder brother of the petitioner expired on 07.06.2014



(Annexure P-2). It transpires that the petitioner was acquitted in the said FIR No.108, vide judgment dated 08.06.2015 (Annexure P-3) passed by Additional Sessions Judge, Sri Muktsar Sahib. According to the petitioner, due to the registration of the said FIR and the demise of his elder brother, he went into depression and, consequently, could not attend his duties. The petitioner remained absent from duty w.e.f. 08.06.2015 to 02.09.2015 without obtaining prior sanction of leave. A charge-sheet was issued to the petitioner on account of unauthorized absence from duty commencing from 08.06.2015. The petitioner duly submitted his reply to the charge-sheet; however, the same was not found to be satisfactory. Consequently, a departmental enquiry was initiated. The petitioner duly participated in the enquiry proceedings. Enquiry Officer submitted the enquiry report. In the enquiry report (Annexure P-5), the charge of unauthorized absence stood proved. The punishing authority accepted the findings of the Enquiry Officer and vide order dated 17.12.2015 (Annexure P-6) passed by Commandant Forth, IRB, Jalandhar (camp at Kapurthala), the petitioner was dismissed from service. Aggrieved against the abovementioned order, the petitioner preferred an appeal, which was rejected vide order dated 01.07.2016 (Annexure P-7). Thereafter, a revision petition was filed by the petitioner against the abovementioned order dated 01.07.2016 (Annexure P-7), which was also dismissed vide order dated 13.10.2016 (Annexure P-8). The petitioner filed a petition before the Additional Director General of Police, Armed Battalion, Punjab, against the dismissal order dated 17.12.2015 (Annexure P-6) which was also



dismissed on 09.02.2017 (Annexure P-9) on the ground of maintainability. The petitioner thereafter filed a petition before the Director General of Police against the order of dismissal dated 17.12.2015 (Annexure P-6), but the same was also dismissed vide order dated 01.12.2017 (Annexure P-10). Aggrieved against the order dated 17.12.2015 (Annexure P-6) vide which the petitioner was dismissed from service and the subsequent orders passed by the Higher Authorities, whereby the abovesaid order of dismissal dated 17.12.2015 (Annexure P-6) has been upheld, the petitioner has filed the present writ petition challenging the said orders.

3. Learned counsel appearing for the petitioner submits that due to the registration of the FIR by his wife in which he was ultimately acquitted and the death of his brother, the petitioner suffered from depression and was unable to report for duty. He submits that his absence was neither willful nor deliberate but was beyond his control. He further submits that the impugned order of dismissal dated 17.12.2015 (Annexure P-6) does not mention that the act of misconduct on the part of petitioner amounts to the “gravest act of misconduct”, as such, as per Rule 16.2 of the Punjab Police Rules, 1934, the said order is liable to be set aside. He further submits that the past service record of the petitioner was also taken into consideration without issuing any show cause notice in that regard, as such, the order of dismissal dated 17.12.2015 (Annexure P-6) is liable to be set aside. Lastly, it is submitted by learned counsel for the petitioner that the punishment of dismissal is harsh and disproportionate to the gravity of the



misconduct, as such, on this ground also, the impugned orders are liable to be set aside.

5. On the other hand, learned State counsel submits that the petitioner remained absent from duty for 86 days and 05 hours without getting his leave sanctioned. He submits that in a disciplined force like the Police Department, such absence constitutes a gravest act of misconduct. He further submits that the petitioner failed to produce any material to establish that his absence was not willful or was beyond his control. He also submits that the petitioner is a habitual absentee. Even after remaining absent for 86 days 05 hours for the period commencing 08.06.2015 to 02.09.2015, he again remained absent, after the initiation of departmental proceedings and during the pendency of the departmental proceedings, for 43 days on various occasions. He submits that service record of the petitioner reveals that 11 years of his service has been forfeited on permanent basis; he has been censured twice; he has been punished with drill once, and 310 days have been treated as non-duty period. Taking into consideration the abovesaid facts, he submits that the impugned orders are legal and justified, as such, the present writ petition is liable to be dismissed.

6. I have heard learned counsel for the parties at length and perused the record.

7. For adjudication of the present controversy, it is apposite to reproduce Rule 16.2 of the Punjab Police Rules, 1934, Volume II, as applicable in the case of petitioner:-

*“16.2. **Dismissal.** (1) Dismissal shall be awarded only for the gravest acts of misconduct or as the cumulative effect*



*or continued misconduct proving Incurrigibility and complete unfitness for police service. In making such an award regard shall be had to the length of service of the offender and his claim to pension.*

*Explanation.- For the purposes of sub-rule (1), the following shall, inter alia, be regarded as gravest acts of misconduct in respect of a police officer, facing disciplinary action:*

- (i) indulging in spying or smuggling activities;*
- (ii) disrupting the means of transport or of communication;*
- (iii) damaging public property;*
- (iv) causing indiscipline amongst fellow policemen;*
- (v) promoting feeling of enmity or hatred between different classes of citizens of India on grounds of religion, race, caste, community or language;*
- (vi) going on strike or mass casual leave or resorting to mass abstentions;*
- (vii) spreading disaffection against the Government; and*
- (viii) causing riots and the like*

*(2) An enrolled police officer sentenced judicially to rigorous imprisonment exceeding one month or to any other punishment not less severe, shall, if such sentence is not quashed on appeal or revision, be dismissed. An enrolled police officer sentenced by a criminal court to a punishment of fine or simple imprisonment, or both, or to rigorous imprisonment not exceeding one month, or who, having been proclaimed under Section 87 of the Code of Criminal Procedure fails to appear within the statutory period of thirty days may be dismissed or*



*otherwise dealt with at the discretion of the officer empowered to appoint him. Final departmental orders in such cases shall be postponed until the appeal or revision proceedings have been decided, or until the period allowed for filing an appeal has lapsed without appellate or revisionary proceedings having been instituted. Departmental punishments under this rule shall be awarded in accordance with the powers conferred by rule 16/1.*

*(3) When a police officer is convicted judicially and dismissed, or dismissed as a result of a departmental inquiry, in consequence of corrupt practices, the conviction and dismissal and its cause shall be published in the Police Gazette. In other cases of dismissal when it is desired to ensure that the officer dismissed shall not be re-employed elsewhere, a full description roll, with particulars of the punishments, shall be sent for publication in the Police Gazette.”*

8. A perusal of the abovesaid Rule would show that as per Sub Rule (1) of Rule 16.2 of the Punjab Police Rules, 1934, it provides that dismissal shall be awarded only for the gravest acts of misconduct or as the cumulative effect of continued misconduct proving incorrigibility and complete unfitness for police service. It further provides that while passing the order of dismissal, due regard has to be given to the length of service and claim to pension.

9. In regard to the contention raised by learned counsel for the petitioner that the impugned order does not expressly mention that the act of misconduct on the part of petitioner constitutes the “gravest



Punjab Police Rules, 1934, the impugned orders are liable to be set aside. In regard to the said contention, it is well settled that unauthorized absence from duty in a disciplined force, by its very nature, amounts to gravest act of misconduct. Mere non-mention of the specific expression/words in the order of dismissal does not render the order invalid.

10. A similar issue came up for consideration before this Court in ***RSA No.4475 of 2001 titled as Gurtej Singh Vs. State of Punjab and others, decided on 21.02.2005.*** In the said case, appellant therein was working in the Police Department and remained absent from duty for 38 days. It was held that even where such words ‘gravest act of misconduct’ have not been mentioned, in the order of dismissal, the said order of dismissal may not be void. The relevant extract from the said judgment is reproduced hereinbelow:-

“10. No doubt, as laid down in Rule 16.2 of the Rules, order of dismissal could be justified only if it was for "gravest act of misconduct" or "for cumulative effect of continuous misconduct proving incorrigibility and complete unfitness for police service". This requirement is a usual requirement for punishment of dismissal but still the question is whether the words "gravest acts of misconduct" or "cumulative effect", debar an order of dismissal for proved misconduct either, when series of misconducts are not mentioned or when the words of the rule are not reproduced in the order of dismissal, as appears to be the submission on behalf of the appellant, which is also supported by earlier decisions of this Court. On a close examination of law on the subject, the contention raised on behalf of the appellant cannot be



upheld. Even where such words are not mentioned in the order of dismissal, order of dismissal may not be void on that account unless it is found that the misconduct was trivial in nature or was not "gravest" or of such a nature which can be termed as continuous misconduct proving incorrigibility. To ascertain whether misconduct is gravest or whether cumulative effect of continuous misconduct is such as proving incorrigibility and complete unfit for Police service, nature of misconduct, circumstance in which such misconduct is committed, nature of duties of the employees are some of the factors to be taken into account. What may not be a "gravest" act of misconduct in some other service may be gravest of misconduct in police service."

11. In regard to the other contention raised by learned counsel for the petitioner that the previous service record relating to misconduct could not have been taken into consideration while passing the order of dismissal without giving notice to the petitioner as the same was not mentioned in the show cause notice. In regard to the abovementioned contention raised by learned counsel for the petitioner, is concerned, it is well settled law that in light of Rule 16.2 of the Punjab Police Rules, 1934, the Punishing Authority is entitled to take into consideration the previous service record to come to the conclusion with regard to misconduct being a gravest act of misconduct or continuous misconduct proving incorrigibility and complete unfit for Police service.

12. A similar issue came up for consideration before this Court in ***CWP No.9342 of 2013 titled as Narinder Singh Vs. State of***



***Punjab, decided on 02.05.2013***, wherein it is held that the previous record can be taken into consideration while passing the order of dismissal. The relevant extract from the said judgment is reproduced hereinbelow:-

“9. The last plea of the counsel for the petitioner that while taking into consideration the previous service record of the petitioner, the same was not mentioned in the show cause notice nor were the orders/documents imposing punishment upon the petitioner supplied along with the show cause notice and, therefore, the principles of natural justice have been violated, in support of which, reliance has been placed upon the judgment of this Court in Jaspinder Singh's case (supra), cannot be accepted to be correct in the light of the fact that it is not the case of the petitioner that the punishments, which have been referred to and the absence period mentioned in the impugned order were incorrect or is not in accordance with the service record. Petitioner was well aware of the orders and the period of his absence from duty and, therefore, no prejudice has been caused to the petitioner. In any case, as per Rule 16.2 of the Punjab Police Rules, 1934, the punishing authority is entitled to take into consideration the previous service record to come to a conclusion with regard to the mis-conduct being a gravest misconduct. When such a power is conferred under the statute itself and the facts on the basis of the service record as recorded in the punishment order being undisputed, no prejudice has been caused to the petitioner and, therefore, it cannot be accepted that the principles of natural justice have been violated. In Jaspinder Singh's case (supra), the Court did not take into consideration the Rule 16.2 of the Punjab Police Rules, 1934, which specifically confers powers on the punishing authority to look into the



previous record of the employee for forming an opinion with regard to the gravity of the mis-conduct of the employee. The action of the respondents being in consonance with the statutory Rules cannot be said to be illegal especially when no prejudice has been caused to the petitioner.”

13. In regard to interference by this Court with the quantum of punishment is concerned, it is well settled law that punishment imposed upon the employee is primarily within the domain of the disciplinary authority. Courts must exercise restraint and refrain from interfering with the quantum of punishment, unless, it is grossly disproportionate to the gravity of the misconduct. In **Union of India and others Vs. Constable Sunil Kumar, (2023) 3 SCC 622** decided on 19.01.2023 while following the other judgments, Hon’ble the Supreme Court held that interference with the punishment is permissible only when the punishment imposed is strikingly disproportionate to the misconduct.

14. In regard to the contention raised by learned counsel for the petitioner that taking into consideration the length of service of the petitioner and the period of absence, the punishment imposed by the respondents is harsh and is disproportionate to the gravity of the misconduct and, as such, the order of dismissal dated 17.12.2015 (Annexure P-6) is liable to be set aside, is concerned, a perusal of the facts of the present case would show that the petitioner remained absent from duty for 86 days and 05 hours without getting the leave sanctioned and thereafter, he again remained absent, after the initiation of departmental proceedings and during the pendency of the



departmental proceedings, for 43 days on various occasions. Service record of the petitioner further indicates multiple punishments like 11 years of his service has been forfeited on permanent basis, he has been censured twice, punished with drill once and 310 days have been treated as non-duty period. Taking into consideration the abovesaid facts, it cannot be held that the punishment imposed upon the petitioner is harsh or disproportionate to the gravity of the misconduct or is violative of Article 14 of the Constitution of India.

15. Reliance is made to the judgment passed by Coordinate Bench of this Court in CWP-4762-2009 titled as Jagjit Singh Vs. State of Punjab and others decided on 19.08.2025. In the abovesaid case, the petitioner was working on the post of Constable and he remained absent from duty for 185 days. Taking into consideration the fact that the petitioner therein was absent from duty for the abovesaid period and was also a habitual absentee, it was held that the punishment of dismissal cannot be held to be disproportionate to the gravity of the misconduct. Relevant extract of the judgment is reproduced below:-

*“6. From the perusal of record, it is evident that petitioner has been dismissed from service on account of absence from duty for 185 days. It was not his first misconduct. He was habitual absentee. The Disciplinary Authority while passing impugned order has noticed his past record. He was subjected to punishment of censure on previous occasion. He remained absent from duty for 185 days during 09.07.1997 to 10.01.1998 and thereafter for 73 days during 14.01.1999 to 28.03.1999. This shows that despite repeated opportunities, the petitioner never*



*attempted to improve himself. He was part of Police Force where discipline is of paramount consideration.*

7. Supreme Court in “**Ex Sepoy Madan Prasad v. Union of India and others**” (2023) 9 SCC 100 while advertng to disciplinary action in case of absence from duty has held that the Court should not set aside order of dismissal where delinquent is part of Armed Forces and remained absent from duty. The relevant extracts of the judgment reads as:

‘11. 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 No. (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 hall mark of the Armed Forces and a non-negotiable condition of service.

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18. For the aforesaid reasons, we do not find any infirmity in the impugned judgment **Madan Prasad v. Union of India, 2015 SCC Online AFT 887** 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.”*

16. Similar issue came up for consideration before Coordinate Bench of this Court in **RSA-1092-2018** titled as **Sarabhjit Singh Vs. Punjab State and others** decided on 19.05.2023. In the abovesaid case also, petitioner was working in the Punjab Police and had remained absent for 03 and a half months and it was held that unauthorized absence from duty without leave amounts to a grave act of misconduct and the punishment of dismissal cannot be held to be disproportionate to the gravity of the misconduct. Relevant extract of the judgment is reproduced below:-

*“11. In the present case, it is a conceded fact that for a period of almost three and half months, the appellant-plaintiff remained un-authorizedly absent from service and he did not join the duties after being transferred to Tarn Taran.*

*12. As per the settled principle of law, the un-authorized absence from duty without leave amount to grave act of misconduct especially in respect of the member of the disciplined force.*

*13. As per the judgment of the Hon'ble Supreme Court of India, for the misconduct of unauthorized absence, the punishment of dismissal of service can be awarded. The reliance can be placed upon the judgment of the Hon'ble Supreme Court of India in **Civil Appeal No.9997 of 1995 titled as State of U.P. v. Ashok Kumar Singh, decided on 10.11.1995**. The relevant paragraph 8 of the said judgment is as under:-*

*“8. We are clearly of the opinion that the High Court has exceeded its jurisdiction in modifying the punishment while concurring with the*



*findings of the Tribunal on facts. The High Court failed to bear in mind that the first respondent was a police constable and was serving in a disciplined force demanding strict adherence to the rules and procedures more than any other department. Having noticed the fact that the first respondent has absented himself from duty without leave on several occasions, we are unable to appreciate the High Court's observation that 'his absence from duty would not amount to such a grave charge'. Even otherwise on the facts of this case, there was no justification for the High Court to interfere with the punishment holding that 'the punishment does not commensurate with the gravity of the charge' especially when the High Court concurred with the findings of the Tribunal on facts. No case for interference with the punishment is made out.”*

*14. Hence, once a gravest act of misconduct has been proved against the appellant, it cannot be said that the imposition of punishment of dismissal from service is disproportionate in the facts and circumstances of the present case so as to warrant any interference by this Court.*

*15. Further, learned counsel for the appellant submits that once the appellant had more than 13 years of service to his credit on the day when he was dismissed, he should have been compulsorily retired so that he could have become eligible for the grant of pensionary benefits.*

*16. First of all, once there is a grave misconduct by an employee, the employer is well within its jurisdiction to impose the proportionate punishment. Merely that an employee has 10 years of service to his/her credit cannot be taken into account so as to reduce the punishment. Punishment is to be imposed keeping in view the gravity of*



*the misconduct and not the service rendered by an employee.*

*17. Secondly, acceptance of the said argument will result in indiscipline as an honest employee working with the department but for one or the other reason could not continue in service after rendering 13 years of service and has to resign and the resignation means forfeiture of service already rendered by him/her and the said employee is not entitled for any pensionary benefits whereas, in case argument of the learned counsel for the appellant-plaintiff is accepted that lenient view should be taken while imposing punishment upon the appellant-plaintiff because he had 13 years of service to his credit will be putting an honest employee at a lower pedestal than the one who has misconducted himself/herself so as to get the pensionary benefits. This is not envisaged under the rules that an honest employee who had to resign should suffer forfeiture of his service, whereas an employee who has misconducted himself/herself should get lenient punishment so as to get all the benefits. The net result of the acceptance of the argument of the learned counsel for the appellant-plaintiff will be that no employee will like to resign from service rather will intend to commit a misconduct in case he/she has rendered more than 10 years of service so as to make him/her eligible for pensionary benefits, which view will not only be contrary to the rules framed but will also create indiscipline hence, the said argument cannot be accepted and is accordingly rejected.”*

17. Similar issue again came up for consideration before this Court in **RSA-2485-2003** titled as **Mahender Singh Vs. State of Haryana** decided on 29.03.2023. In the abovesaid case, petitioner was working as Constable in Punjab Police and the absence was for a



period of 74 days and it was held by Coordinate Bench that the absence from duty amounts to grave act of misconduct and dismissal from service is justified and not disproportionate to the gravity of the misconduct. Relevant extract of the judgment is reproduced below:-

*“10. Even otherwise, once the appellant-plaintiff has not been able to show a justifiable cause before the authorities concerned for the absence, the absence has to be treated as wilful absence. Therefore, the argument being raised by the learned counsel for the appellant that the absence was not wilful, cannot be accepted in the facts and circumstances of the case.*

*11. Learned counsel for the appellant submits that though there is no written justification given before the authorities concerned qua the absence but a private doctor was produced before the Enquiry Officer so as to present that the appellant-plaintiff was not well and was advised to take rest by the said doctor.*

*12. Qua the said argument, the disciplinary authorities, in the fitness of things, keeping in view the fact that the appellant is a Government servant and requires a medical certificate from the Government Hospital for availing leave on medical grounds, demanded a medical certificate from Government Hospital. No such certificate was ever presented so as to substantiate the claim that the ailment was of such nature, due to which the appellant-plaintiff could not attend the duties.*

*13. Learned counsel for the appellant has not been able to point out any evidence qua ailment, benefit of which has been claimed. In the absence of any such evidence before the departmental proceedings that ailment was such that it forced the appellant to be absent from service, it cannot termed that the decision of the Department in not*



*accepting the recommendation/observation of a private practioner can be treated as arbitrary or illegal.*

*14. Learned counsel for the appellant further submits that while passing the order of dismissal, the earlier punishment imposed has been taken into account, which itself vitiate the proceedings/order passed by the respondents dismissing the appellant-plaintiff from service.*

*15. It may be noticed that as per conceded facts, the show cause notice which was issued to the appellant-plaintiff after the allegations were proved in the enquiry proceedings, the Department brought to the notice of the appellant that the action will be taken keeping in view his earlier conduct wherein, he has remained absent and has been imposed punishment. The appellant chose not to submit a reply to the said show cause notice. That being so, once the decision of the Department to take into consideration the earlier punishment, was brought to the notice of the appellant-plaintiff even before imposing the punishment and the appellant-plaintiff did not submit any reply to the same, hence, the appellant-plaintiff cannot be allowed to raise a grievance at this stage that the punishments imposed earlier in his service career have been taken into consideration which vitiate the departmental proceedings.*

*16. Learned counsel for the appellant further submits that even otherwise, 74 days of absence is not such a grave misconduct so as to dismiss an employee who is having 12 years of service to his credit.*

*17. It may be noticed here that it was only in the year 1989 itself, the appellant-plaintiff was absent in an unauthorized way for a period of 74 days and that too on different occasion. It is also a conceded position before this Court that there were allegations of absence on earlier occasions also for which the appellant-plaintiff had already been punished. That being so, the appellant-plaintiff was a habitual offender qua unauthorized absence, hence, keeping*



*in view the facts and circumstances of the present case where, it has already come that the appellant-plaintiff has been absenting himself from service in an unauthorized manner and his conduct was not as such to be retained in a disciplined force, the imposition of punishment of dismissal cannot be treated as harsh or disproportionate to the charges alleged.*

18. The Hon'ble Supreme Court of India in **Civil Appeal No.9997 of 1995 titled as State of U.P. vs. Ashok Kumar Singh, decided on 10.11.1995**, has held that absence from duty in respect of a police official, who is a member of disciplined force, is to be treated as grievous act of misconduct and the punishment of dismissal cannot be treated as disproportionate.

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19. As the appellant-plaintiff is a habitual absentee, the punishment of dismissal imposed upon him cannot be treated disproportionate to the charges alleged and proved.

20. As per the judgment of the Hon'ble Supreme Court of India in **Civil Appeal No.4212 of 1997 titled as State of Punjab vs. Bakhshish Singh, decided on 05.05.1997**, the imposition of punishment is the prerogative of the punishing authority and the Court cannot substitute its own view with that of the disciplinary authority unless and until the punishment imposed is too shocking, hence, no ground is made out for intervention of this Court qua the same argument.

21. Learned counsel for the appellant cites judgments in **Civil Appeal No.2106 of 2012 titled as Krushnakant B. Parmar vs. Union of India and another, decided on 15.02.2012, RSA No.2438 of 1982 titled as Jawant Singh vs. State of Punjab, decided on 18.07.1996, CWP No.13608 of 1989 titled as Paramjit Singh, Ex-Head Constable vs. State of Punjab, decided on 02.11.1995, Civil Appeal No.1621 of 1986 titled as Ram Chander vs. Union of India**



*and others, decided on 02.05.1986, RSA No.1159 of 1986 titled as State of Punjab and another vs. Ram Singh, decided on 10.03.1989, CWP No.6001 of 1989 titled as Mahipat vs. State of Haryana, decided on 17.03.1994 and Civil Appeal No.496 of 1965 titled as Management of the Northern Railway Co-operative Credit Society Ltd. Jodhpur vs. Industrial Tribunal, Rajasthan-Jaipur and another, decided on 27.01.1967.*

22. Law being cited by the learned counsel for the appellant-plaintiff noticed hereinbefore are not applicable in the facts and circumstances of the present case. Law is to be applied as per the facts and circumstances of the case and hence, no benefit of the judgments cited above can be given in favour of the appellant being not applicable.

23. Keeping in view the above, no ground is made out for any interference by this Court in the present Regular Second Appeal and the same is accordingly dismissed.”

18. Similar view has been taken by the Coordinate Bench of this Court in **RSA-1874-2001** titled as **The Punjab State and others Vs. Shri Jaswinder Singh, reported as 2024 NCPHHC 140985** decided on 22.10.2024.

19. In view of the facts of the case, the above-referred judgments and the relevant rule, this Court finds no merit in the present writ petition. Accordingly, the same is hereby dismissed.

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

**27.04.2026**

d.gulati

**(DEEPINDER SINGH NALWA)**

**JUDGE**

Whether speaking / reasoned :

Yes

No

Whether Reportable :

Yes

No