



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

**CWP-30080-2019 (O&M)**

**Reserved on : 13.03.2026**

**Pronounced on: 06.04.2026**

**Uploaded on: 07.04.2026**

Dharam Singh

..... Petitioner

**VERSUS**

State of Punjab and others

..... Respondents

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

Present: Mr. G.S. Bal, Senior Advocate with  
Mr. Avtar Singh, Advocate, for the petitioner.

Mr. Satnam Preet Singh Chauhan, DAG, Punjab.

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**DEEPINDER SINGH NALWA, J.**

1. In the present writ petition, the petitioner has challenged the order dated 12.06.2015 (Annexure P-5) passed by respondent No.5, vide which, the petitioner has been dismissed from service. Challenge is also made to the subsequent orders passed by the higher authorities, vide which, the abovesaid order of dismissal dated 12.06.2015 (Annexure P-5) has been upheld.

2. Brief facts of the case are that the petitioner joined Police Department as Constable in the year 1989. It transpires that while the petitioner was posted in District Khanna, he remained absent from duty



for 159 days, 23 hours and 10 minutes for the period from 21.08.2013 to 28.01.2014. In view of the abovesaid absence, charge-sheet was issued to the petitioner. The petitioner duly filed reply to the charge-sheet. The contention raised by the petitioner in the reply filed to the charge-sheet was not found to be creditworthy and as a consequence of this, departmental proceedings were initiated against the petitioner. The enquiry officer held the charges proved against the petitioner. The punishing authority agreed with the findings of the enquiry officer and passed an order dated 12.06.2015 (Annexure P-5), vide which, the petitioner was dismissed from service. Aggrieved against the order dated 12.06.2015 (Annexure P-5), the petitioner filed an appeal before the appellant authority and the same was also dismissed vide order dated 06.01.2016 (Annexure P-4). Aggrieved against the abovesaid orders, the petitioner filed a revision petition before the revisional authority which was also dismissed vide order 14.04.2016 (Annexure P-3). Aggrieved against the abovesaid orders, the petitioner filed a revision-cum-mercy petition before respondent No.2, however, the same was also dismissed on 07.11.2016 (Annexure P-2). Aggrieved against the abovesaid order dated 07.11.2016 (Annexure P-2), the petitioner filed a mercy petition before the Home Secretary, Punjab, which was also dismissed vide order dated 06.07.2018 (Annexure P-1). As per the petitioner, the absence from duty was not willful and it was beyond his control. Hence, the petitioner has filed the present writ petition challenging the abovesaid orders.



3. The only contention raised by the learned senior counsel appearing on behalf of the petitioner is in respect of quantum of punishment. As per the learned senior counsel appearing on behalf of the petitioner, the petitioner was appointed in the police department in the year 1989. Taking into consideration the length of service, the punishment awarded by the respondents to the petitioner is harsh and is disproportionate to the gravity of the misconduct and thus is liable to be set-aside and the order of punishment of dismissal be converted into lesser punishment. Learned senior counsel has relied on the judgment passed by Coordinate Bench of this Court being **CWP-19196-2009** titled as **Napinder Singh Vs. State of Punjab and others** decided on 06.08.2012.

4. On the other hand, learned counsel appearing on behalf of the respondents submits that a perusal of the facts of the present case would show that the petitioner remained willfully absent from duty for 159 days, 23 hours and 10 minutes for the period from 21.08.2013 to 28.01.2014. He further submits that the petitioner had earlier also remained absent from duty and in fact, the petitioner was also found to be habitual of intoxication while on duty. As such, the petitioner has rightly been dismissed from service. Learned counsel further submits that taking into consideration the conduct of the petitioner, the punishment imposed by the respondents i.e. dismissal from service, cannot be held to be harsh or



disproportionate to the gravity of the misconduct. As such, no interference is warranted in the impugned orders passed by the respondents.

5. I have heard the learned counsel appearing on behalf of the parties at length and have perused the record with their able assistance.

6. It is not in dispute that the petitioner remained absent from duty for 159 days, 23 hours and 10 minutes for the period from 21.08.2013 to 28.01.2014 and on the basis of above absence, petitioner was dismissed from service on 12.06.2015. For the purpose of adjudication of this case, it is relevant to refer to Rule 16.2 (1) of the Punjab Police Rules, 1954 as applicable to the petitioner. Relevant extract of the said Rule is reproduced below:-

*"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.”*

7. A perusal of the abovesaid Rule would show that as per Sub Rule (1) of Rule 16.2 of the Punjab Police Rules, 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.

8. It is well settled law that absence from duty by a member of police force amounts to gravest act of misconduct. Reliance is made to the judgment passed by the Hon’ble Supreme Court in the case titled as **State of U.P. Vs. Ashok Kumar Singh, reported as 1996(2) SCT 139.**

Relevant extract of the judgment is reproduced below:-

*“7. Strangely, the High Court interfered with the punishment of removal, while concurring with the findings rendered against the first respondent on the charges levelled against him, by observing as follows:-*

*“The Presiding Officer of the Tribunal has passed a very detailed order in which he enumerated the circumstances under which the inquiry was conducted. The enquiry officer found the petitioner to have absented from duty on several occasions, totaling 251 days during the years 1981-82 while posted at police station Ram Sanahi Ghat, 93 days in 1982 while posted at police station Safdarjang and from 28.2.1984 onwards on being subsequently posted at police station Ram Sanahi Ghat. The petitioner has submitted before the Tribunal as well as here*



*that during all this long period he had fallen ill and he sent regular applications for grant to leave along with the medical certification. No such proof was ever filed by the petitioner before the Tribunal.*

*In the present case the only charge against the petitioner was that he absented himself from duty for long periods although it was his case that he applied for grant of leave. Even if it is assumed that the petitioner, against whom there appears to be no charge of misconduct of grave nature, is proved his absence from duty would not amount to such a grave charge for which the extreme penalty of dismissal may be imposed. In view of the fact that the petitioner has offered not to claim arrears of salary as well as assurance (sic) this Court that he would discharge his duties faithfully and sincerely this Court is of the view that extreme penalty imposed against the petitioner does not commensurate with the gravity of the charge, hence this writ petition deserves to succeed on this point. However, it will be open for the opposite parties to impose any minor punishment against the petitioner.*

*In view of what has been indicated hereinabove the writ petition succeeds. The order of dismissal passed against the petitioner contained in Annexure-3 is quashed. The opposite parties will reinstate the petitioner on duty. However, it will be open for the opposite parties to impose any minor punishment upon the petitioner considering the charges. It is made clear that the petitioner will be entitled only to extent one-fourth of amount as back wages.”*

*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.*

*9. For all these reasons, we set aside the impugned order of the High Court in W.P No.9547 of 1990 and restore the order of the U.P. Public Services Tribunal. The appeal is allowed. No order as to costs.'*

9. Similar view has also been taken by the Hon'ble Supreme Court in the case titled as **State of Punjab and others Vs. Mohinder Singh, reported as 2005(12) SCC 182.** Relevant extract of the judgment is reproduced below:-

*"8. The conduct of the respondent who is a member of disciplined force in remaining absent from duty for five & half months without sanctioned leave or prior intimation is reprehensible.*

*9. Rule 16.2 of the Punjab Police Rules reads as follows:-*

*"16.2 Dismissal- (1) Dismissal shall be provided only for the gravest acts of misconduct or as the cumulative effect of continued misconduct proving incorrigibility 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.*

2. XXX XXX"





10. Rule 16.2 provides that an order of dismissal can be passed only for the commission of gravest acts of misconduct or as the cumulative effect of continued misconduct proving incorrigibility and complete unfitness for police service.

11. We do not agree with the High Court that a single act of remaining absent without leave would not amount to gravest act of misconduct.

12. This would depend upon the fact situation of each case. In the present case we find that the respondent remained absent without leave for quite a long period. The explanation rendered by him did not find favour either with the enquiry officer or the punishing authority. The findings of the facts were not disturbed in the departmental appeal/revision.

13. This finding was also not disturbed in the suit. The only ground for setting aside the orders impugned in the suit is that a single act of remaining absent from duty without sanctioned leave did not merit an order of dismissal from service. We find from the record that the respondent had remained absent from duty without sanctioned leave on 15 different occasions. Although no major punishment was awarded to him but he was ordered to be censured once. In our view, the respondent being member of disciplined force could not be permitted to remain absent without taking leave and that too for such a long period. He cannot be retained in service. The order impugned before us is set aside and the suit is ordered to be dismissed.”

10. Reliance is also placed on the judgment passed by the Division Bench of this Court in **LPA-1526-2024 (O&M)** titled as **Amarjit Singh Vs. State of Punjab and others** decided on 21.08.2024.

In the abovesaid case, the Division Bench has held that absence from duty



by a member of a disciplined force amounts to grave act of misconduct.

Relevant extract of the judgment is reproduced below:-

*“11. It is a settled position that absence from duty by member of a disciplined Force indeed amounts to grave misconduct. Quantum of punishment imposed is not such which shocks the conscience of this Court or is so disproportionate that it calls for interference by this court. Hon’ble the Supreme Court in **State of UP v. Ashok Kumar Singh 1996 (1) SCC 302** observed that member of Police Force (Police Constable in the said case) is expected to adhere to the Rules and procedures strictly. It was observed as under:-*

*XXX XXX*

*12. Hon’ble the Supreme Court in **State of Punjab and others v. Sukhwinder Singh 2007 (10) SCC 511**, held that merely because words ‘gravest act of misconduct’ is not mentioned in punishment order cannot detract from the substance of conclusion.*

*13. Learned counsel for appellant is unable to point out any illegality, infirmity or irregularity in impugned order dated 20.03.2024 which calls for interference.*

*14. No other argument has been raised.*

*15. Keeping in view the facts and circumstances as above, appeal is dismissed with no order as to cost.”*

11. 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.

12. 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.*

*XXXXX XXXX XXXX*

*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.”*



13. 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 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:-*

*XXX XXX*

*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.”*

14. 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. The relevant paragraph 8 of the said judgment is as under:-*

*XXX XXX*

*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.”*

15. 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.

16. In regard to contention raised by the learned senior counsel appearing on behalf of the petitioner is that the punishment of dismissal awarded to the petitioner is harsh and excessive, as such, the same is liable to be set aside. In regard to abovesaid contention is concerned, a perusal of the facts of the present case would show that the petitioner remained absent from duty for 159 days, 23 hours and 10 minutes willfully from 21.08.2013 to 28.01.2014. It is also not in dispute that on earlier occasion also, the petitioner had remained absent from duty and was awarded punishment of censure. It is also not in dispute that the petitioner was found under intoxication while on duty and punishment of forfeiture of 03 years of service was imposed. The petitioner could also not show that he was not absent willfully or it was beyond his control to join duty during the period of absence.



17. Taking into consideration, the nature of misconduct proved against the petitioner in light of the duties and responsibilities attached to the post, it cannot be held that punishment imposed on petitioner of dismissal from service is harsh or disproportionate to the gravity of the misconduct being violative of Article 14 of the Constitution.

18. In regard to reliance made by the learned senior counsel appearing on behalf of the petitioner on the judgment passed in the case of Napinder Singh (supra) is concerned, a perusal of the abovesaid judgment would show that the length of service of petitioner therein for the purpose of pensionary benefits was not taken into consideration while passing the order of punishment. However, in the present case, the punishing authority has considered the previous service rendered by the petitioner and thereafter, passed an order of punishment. Meaning thereby that the length of service of the petitioner for the purpose of pension has been taken into consideration by the punishing authority while passing the order of dismissal. In view of the above, the judgment relied by the learned senior counsel appearing on behalf of the petitioner will not be applicable in the present case.

19. Taking into consideration the facts of the present case, relevant rules and the above referred judgments, this Court finds no merit in the present writ petition and the same is hereby dismissed.



20. Pending miscellaneous application(s), if any, also stands disposed of.

(DEEPINDER SINGH NALWA)  
JUDGE

06.04.2026  
Ramandeep Singh

|                             |     |
|-----------------------------|-----|
| Whether speaking / reasoned | Yes |
| Whether Reportable          | Yes |