

(2025) 12 P&H CK 0055

Punjab And Haryana HC

Case No: Civil Writ Petition No. 11489 Of 2017

Satnam Singh

APPELLANT

Vs

State Of Punjab And Others

RESPONDENT

Date of Decision: Dec. 3, 2025

Acts Referred:

- Constitution Of India, 1950-Article 226, 227
- Punjab Police Rules, 1934-Rule 10.70, 16.2

Hon'ble Judges: Jagmohan Bansal, J

Bench: Single Bench

Advocate: U.K. Agnihotri, Anuj Y. Attri, Aman Dhir

Final Decision: Dismissed

Judgement

Jagmohan Bansal, J

1. The petitioner through instant petition under Articles 226/227 of the Constitution of India is seeking setting aside of order dated 20.05.2015 passed by Deputy Inspector General of Police, Border Range, Amritsar to the extent his dismissal period has been treated as non-duty period.

2. The petitioner was recruited as Constable in Punjab Police in 1989. He joined service on 12.06.1989. He came to be implicated in FIR No.53 dated 06.03.2006 under Section 13(2) read with Section 7 of Prevention of Corruption Act, 1988 registered at Police Station City Batala. He was placed under suspension on 08.03.2006 and a departmental inquiry was initiated. He was found innocent by Inquiry Officer. The Disciplinary Authority did not agree with inquiry report and issued disagreement note. The Disciplinary Authority further issued show cause notice calling upon him to show cause as to why punishment of reduction in rank should not be 05.05.2008. He was sentenced to imprisonment of one year with fine of ₹5,000/-. In view of judgment of conviction, the respondent issued him show cause notice dated 16.06.2009 proposing dismissal from service. The respondent vide order dated 07.07.2009 dismissed him from service. He filed Criminal Appeal No.978-SB of 2008 before this Court assailing judgment of conviction dated

05.05.2008. This Court vide judgment dated 03.09.2014 acquitted him from all the charges and set aside judgment of conviction. He preferred representation before Deputy Inspector General of Police, Border Range, Amritsar requesting his reinstatement on the ground of acquittal. The respondent vide order dated 20.05.2015 reinstated him, however, ordered to treat dismissal period as non-duty period. He filed revision petition before Inspector General of Police, Amritsar who rejected his petition on the ground of limitation.

3. Learned counsel for the petitioner submits that petitioner was reverted from the rank of Head Constable to Constable on account of alleged offence. He was reinstated in view of judgment of acquittal on the rank of Constable. He has been denied back wages and counting of service which amounts to double jeopardy. He was entitled to back wages in view of punishment of reversion in rank.

4. PER CONTRA, learned State counsel submits that petitioner was acquitted by this Court on technical grounds. He was convicted by Trial Court. He pleaded before authorities that he may be reinstated and would not repeat his mistake. He may be pardoned. His request was acceded to. He was reinstated without back wages and treating his dismissal period as non-duty period. As per Rule 10.70 of Punjab Police Rules, 1934 (for short 'PPR'), the authority was quite competent to deny back wages and treat his absence period as non-duty period.

5. I have heard the arguments of learned counsel for both sides and perused the record with their able assistance.

6. From the perusal of record, it is evident that petitioner remained out of service from 2009 to 2015 on account of judgment of conviction. The authorities were duty bound to dismiss him from service the moment he was convicted by Trial Court. This is mandate of Rule 16.2 of PPR. He was reinstated in view of judgment of acquittal passed by this Court. From the perusal of judgment passed by this Court, it is evident that it cannot be concluded that he was honourably acquitted whereas it is a case of acquittal due to non-compliance of procedural formalities. It was not held that petitioner could not or has not committed alleged offence of acceptance of bribe. The petitioner was reverted from Head Constable to Constable prior to judgment of conviction. He was reinstated after judgment of acquittal but on the rank of Constable. The authorities were quite competent to deny back wages as well as treat dismissal period as non-duty period as per Rule 10.70 of PPR. In view of denial of back wages and treating dismissal period as non-duty, there seems to be harsh punishment of reversion. The petitioner has not challenged his reversion before this Court, thus, his order of reversion cannot be examined. There is no infirmity in the order of denial of back wages and treating his dismissal period as non-duty period. He was dismissed because of his conviction. He made a statement before Deputy Inspector General of Police, Border Range, Amritsar that he would not repeat the offence and may be pardoned. This shows that he accepted his Court does not find any infirmity in the order denying back wages and treating his dismissal period as non-duty period.

7. In the wake of above discussion and findings, this Court is of the considered opinion that present petition being bereft of merit deserves to be dismissed and accordingly dismissed.