

(2025) 12 P&H CK 0023

Punjab And Haryana HC

Case No: Civil Writ Petition No. 21208 Of 2020

Karaj Singh

APPELLANT

Vs

State Of Punjab And Others

RESPONDENT

Date of Decision: Dec. 12, 2025

Acts Referred:

- Constitution Of India, 1950-Article 226, 227

Hon'ble Judges: Jagmohan Bansal, J

Bench: Single Bench

Advocate: Sarbjeet Singh Khaira, Aman Dhira

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:

(i) Show cause notice dated 25.10.2004;

(ii) Order dated 22.06.2005 whereby he was dismissed from service;

(iii) Order dated 22.06.2009 whereby his appeal was dismissed;

(iv) Order dated 22.12.2009 whereby his revision was dismissed; and

(v) Order dated 24.07.2015 whereby appeal against orders dated 22.06.2009 and 22.12.2009 was dismissed by Director General of Police.

2. The petitioner was part of Punjab Police. He was subjected to departmental inquiry wherein he was found guilty of misconduct of absence from duty. He was dismissed from service. He unsuccessfully preferred appeal followed by revision. He also filed petitions before DGP and Home Department.

3. Learned counsel representing the petitioner submits that petitioner was absent from duty because of illness. He was absent on account of reasons beyond his control. Punishment of dismissal from service was very harsh. Lenient view may be taken.

4. Learned State counsel submits that the petitioner was habitual absentee. As per service record, he was absent for approximately 1995 days during his service on different occasions. He has been awarded

19 bad entries during his service. He was awarded punishment of forfeiture of approved service with permanent effect for his willful absence from duty. He remained absent for approximately 13 years out of his 14 years total service.

5. Supreme Court in *Ex Sepoy Madan Prasad v. Union of India and others* (2023) 9 SCC 100 while adverting 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 read 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 hallmark 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.

6. Scope of interference while exercising jurisdiction under Articles 226/227 of the Constitution of India in disciplinary proceedings is very limited. The Court has no power to look into quantum of sentence/punishment unless and until Court finds that sentence awarded is disproportionate to alleged offence. It is further settled proposition of law that High Court while exercising its jurisdiction under Article 226 of Constitution of India can look into the procedure followed by authorities. In case,

it is found that enquiry officer or disciplinary authority has not considered any evidence on record or misread the evidence or procedure as prescribed by law has not been followed, the Court can interfere. A two judge Bench of Hon'ble Supreme Court in Union of India and others vs. Subrata Nath, 2022 SCC OnLine SC 1617 while advertent to scope of interference under Article 226 of the Constitution of India in disciplinary proceedings has held that departmental authorities are fact finding authorities. On finding the evidence to be adequate and reliable during the departmental inquiry, the Disciplinary Authority has the discretion to impose appropriate punishment on the delinquent employee keeping in mind the gravity of the misconduct.

7. A Division Bench of this Court while dealing with similar issue in Balwinder Singh versus State of Punjab and others (LPA-934-2023, decided on 21.02.2024), has held that act of remaining absent from duty for a man in uniform is a gravest act of misconduct. The relevant extracts of the judgment read as:

That a man in uniform has to maintain greater discipline and the act of remaining absent from duty is a gravest act of misconduct. Reliance can be placed upon the judgment in State of Punjab & others Vs. Mohinder Singh, 2005 (12) SCC 182 wherein the Apex Court allowed the appeal by noticing that there was absence of 5½ months and it was reprehensible conduct by the Constable. The basic principle which has been time and again laid down is that remaining absent from duty after the sanctioned leave by a uniformed personnel is fatal. Keeping in view the fact that the appellant voluntarily kept away from his duties which were very much required by his department and the fact that the matter was duly enquired upon. Copy of the notice was sent to his foreign address through registered post to which he had not replied and also copy had been sent to his father which would be clear from the order of dismissal.

8. In the instant case, the Authorities have duly followed prescribed procedure. There is proper appreciation of evidence on record. The petitioner despite being member of disciplined Police Force was a habitual absentee. He did not mend his behaviour in spite of being subjected to punishment on multiple occasions. In these facts and circumstances, this Court does not find it appropriate either to interfere with findings of authorities or look into quantum of punishment awarded to him.

9. In the backdrop, this Court is of the considered opinion that the present petition being bereft of merit deserves to be dismissed and accordingly hereby **dismissed**.