



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

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**LPA No.2102 of 2025 (O&M).
Date of Decision: 07.08.2025.**

Ravinder Kumar

....Appellant.

VERSUS

State of Punjab and others

....Respondents.

**CORAM : HON'BLE MR. JUSTICE ANUPINDER SINGH GREWAL
HON'BLE MR. JUSTICE DEEPAK MANCHANDA**

Present: Mr. S.K. Choudhary, Advocate for the appellant.

ANUPINDER SINGH GREWAL, J. (Oral)

CM-5276-LPA-2025

Exemption application is allowed, as prayed for.

CM-5277-LPA-2025

Prayer in this application is for condonation of delay of 68 days
in filing the appeal.

Heard.

For the reasons stated in the application, the same is allowed and
delay of 68 days in filing the appeal is condoned.

Main Appeal

The appellant has challenged the order of the Single Bench dated
27.01.2025, whereby the writ petition against his dismissal from service had
been declined.

2. Learned counsel for the appellant submits that the appellant had

served for a period of 25 years and, therefore, he was entitled to at least the pensionary benefits. The order of dismissal is harsh as the alleged misconduct was only absence from service without leave for a period of 57 days.

3. Heard.

4. The appellant, who was working as a Constable, is stated to have absented from duty on several occasions. He had been imposed major punishments on 17 occasions and minor punishments on 08 occasions during his entire career. The disciplinary authority while passing the order of dismissal dated 09.12.2019 had also recorded that there is not even a single good entry in the service record of the appellant while he has 25 adverse entries. The appellant was punished on 25 occasions including 17 major punishments and 13 increments of the appellant had also been forfeited with cumulative effect. Insofar as the contention of learned counsel for the appellant that absence from duty was only for 57 days, we do not find any merit in the said contention. It has been held by the Supreme Court that absence from duty by a member of disciplined police force would entail dismissal from service. The Supreme Court in the case of **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 extract of the judgment is reproduced hereunder:-

“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.”*

5. The Division Bench of this Court while dealing with similar issue in **LPA-934- 2023, decided on 21.02.2024 - Balwinder Singh vs State of Punjab and others**, has held that the act of remaining absent from duty for a man in uniform is considered as a gravest act of misconduct. The relevant extract of the judgment is reproduced hereunder:-

“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 5 ½ 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.”

6. In the afore-noted facts and circumstances, the order of the Single Bench upholding the dismissal of the appellant from the service as he was an habitual absentee does not suffer from any illegality. Consequently, the appeal being devoid of any merit stands dismissed.

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

**(ANUPINDER SINGH GREWAL)
JUDGE**

**(DEEPAK MANCHANDA)
JUDGE**

07.08.2025

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Whether speaking/ reasoned : Yes/ No

Whether Reportable : Yes/ No