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

RSA-1477-1994 (O&M)  
Date of decision: 26.03.2025

State of Punjab and another

...Appellants

Versus

Gurbachan Singh (since deceased) through his LRs

...Respondent(s)

**CORAM: HON'BLE MR. JUSTICE VIKAS BAHL**

Present: Mr. Surya Kumar, AAG, Punjab, for the appellants.

Mr. K.S. Brar, Advocate for the respondent(s).

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**VIKAS BAHL, J. (ORAL)**

1. The respondent(s)-plaintiff had filed the suit for declaration to the effect that the order dated 14.09.1988 passed by the Superintendent of Police, Ferozepur dismissing the plaintiff from the service as well as the order passed by the Deputy Inspector General of Police, Ferozepur Range, Ferozepur, rejecting the appeal filed by the respondent-plaintiff with the modification, are illegal. The said suit was decreed and the plaintiff was held entitled to the service benefits since the date of dismissal from service. An appeal filed by the State was dismissed by the First Appellate Court on 17.11.1993. Vide order dated 04.08.1994 passed by the Coordinate Bench of this Court, the matter was admitted and operation of the impugned judgment under appeal was stayed.



2. The order passed by the Deputy Inspector General of Police, Ferozpur Range, Ferozpur, reads as under:-

**“ORDER**

*This order dispuses of an appeal submitted by Ex. Head Constable Gurbachan Singh No.1008/FZR against the order of S.P/Ferozpur No.653-59/ST dated 14.9.88, vide which he was dismissed from Police Force.*

*The allegations levelled against him were that he was deputed on temporary duty with effect from 21.1.88 as Guard Incharge in the Kothi of Commissioner, Ferozpur. On 2.3.88, he was transferred to Police Station Cantt Ferozpur as H.H.C. vide order No.595 dated 2.3.1988. He absented himself w.e.f. 3.3.1988 without taking any leave or permission of the competent authority and was marked absent vide D.D.R. No.52 dated 4.3.88 in the Roznamcha of police lines, Ferozpur. He was placed under suspension with effect from 3.3.1988 for his absence. This Head Constable reported back for duty on 23.9.88 after absenting himself for 26 days. After completion of departmental enquiry, he was dismissed from service with effect from 14.9.1988 A.N.*

*I have gone through the appeal of Ex.Head Constable Gurbachan Singh No.1008/Ferozpur, his service record, office note and other relevant documents, and found that the appellant is a habitual absentee and also fond of drinking and deserve no leniency, but Ex. Head Constable Gurbachan Singh No.1008/FZR had appeared before me in the office. The entire family of the appellant is very poor and in miserable condition. There is basically appeal for mercy and human consideration. Considering every aspect, I take a lenient view and the punishment of dismissal is modified to the extent that two years approved service with permanent effect is forfeited and Ex.Head Constable Gurbachan Singh No.1008/FZR is re-*



*instated in service with immediate effect. He will not be entitled to draw any benefit of arrears of pay and allowances etc.*

*One copy of the order may be delivered to the appellant free of cost against acknowledgment.*

*Sd/-*

*Deputy Inspector General of Police,  
Ferozepur Range, Ferozepur.”*

3. Learned counsel for the appellants-State, has submitted that the impugned judgments are not in accordance with law and deserve to be set aside as merely the fact that the absence period of the plaintiff had been treated as leave without pay, would not wash away the absence of the plaintiff from service. In support of his arguments, he has relied upon the judgment of the Coordinate Bench of this Court in **RSA No.1866 of 1995 decided on 13.03.2024 titled as “State of Punjab Vs. Constable Chander Parkash.”**

4. Learned counsel for the respondent(s), on instructions, has submitted that as per the abovesaid order passed by the Deputy Inspector General of Police, Ferozepur Range, Ferozepur, a lenient view had been taken by the authorities and the dismissal order was modified to the extent that two years approved service with permanent effect were forfeited and the plaintiff was reinstated in service with immediate effect and he was held not entitled to draw any benefits of arrears of pay and allowances etc.. It is further submitted that admittedly, the order of the Deputy Inspector General of Police, Ferozepur Range, Ferozepur has not been set aside by the State authorities and thus, respondent(s)-plaintiff is at



least entitled to the benefits under the abovesaid order of the Deputy Inspector General of Police, Ferozpur Range, Ferozpur. It is submitted that in pursuance of the said order, the plaintiff was reinstated in service prior to the passing of the interim order by the Coordinate Bench of this Court. Learned counsel for the respondent(s)-plaintiff has submitted that thereafter, the plaintiff had worked and has also died and thus, he would be satisfied in case the present Regular Second Appeal is disposed of by upholding the abovesaid order of the Deputy Inspector General of Police, Ferozpur Range, Ferozpur. It is further submitted that all the benefits under the order of the Deputy Inspector General of Police, Ferozpur Range, Ferozpur have already been received by the respondent(s)-plaintiff.

5. Learned counsel for the appellants-State, on instructions from Amit Kumar, Incharge, SSP, Office, Ferozpur, has stated that the order of the Deputy Inspector General of Police, Ferozpur Range, Ferozpur, has not been set aside by the State Authorities and has also reaffirmed the fact that the plaintiff, subsequent to the passing of the order by the Deputy Inspector General of Police, Ferozpur Range, Ferozpur, was reinstated and had retired from service and had since died. It is submitted that since it is not the appellants-State which have filed the suit, thus, the appellants-State cannot possibly deny the respondent(s)-plaintiff's benefits under the order passed by the Deputy Inspector General of Police, Ferozpur Range, Ferozpur. It is, however, submitted that in case the respondent(s)-plaintiff are restricting their rights only to the order passed by the Deputy Inspector General of Police, Ferozpur Range, Ferozpur, then, in the said terms, the present Regular Second Appeal be disposed of.



6. Keeping in view the abovesaid facts and circumstances and the arguments raised on behalf of learned counsel for the appellants-State as well as learned counsel for the respondent(s)-plaintiff and also the fact that the order passed by the Deputy Inspector General of Police, Ferozepur Range, Ferozepur has not been set aside by the authorities of the State of Punjab, the present Regular Second Appeal is disposed of by upholding the order of the Deputy Inspector General of Police, Ferozepur Range, Ferozepur and the respondent(s)-plaintiff would be entitled to the benefits under the said order, if not already received, and would not be entitled to any further benefits.

**26.03.2025**

*Pawan*

**(VIKAS BAHL)  
JUDGE**

**Whether speaking/reasoned:-**

**Yes/No**

**Whether reportable:-**

**Yes/No**