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ORDER

This is an order in compliance of order dated 07.12.2022 passed by the Hon'ble High Court in CWP/6758/2018 title as Sandeep Kumar versus CAT & Ors.

2. Whereas, Constable Sandeep Kumar, No. 5149/CP was enlisted in Chandigarh Police as Constable on 01.05.2011 against the recruitment of 1200 posts of Constables in Chandigarh Police and was still under probation period of 3 years. On 28.02.2012, he proceeded on 02 days casual leave vide DDR No.20 and was due to report for duty back on 02.03.2012 before 12 Noon, but he reported back after absenting himself 02 hours and 30 minutes. He also gave in-writing that due to traffic congestion at Panipat, he could not reach on duty in-time i.e. before 12 Noon. He was again proceeded 03 days casual leave on 02.03.2012 vide DDR No.23 and during his said leave, on 03.03.2012, in the daily news paper "Dainik Bhaskar" the news appeared that a rape case has been registered against Constable Sandeep Kumar of Chandigarh Police. After reading this news in the news paper, Constable Sandeep Kumar was contacted, but his mobile phone was switched-off. SHO, PS-17 after contacting SHO, Police Station, Sadar Rohtak on phone intimated that a case FIR No.69 dated 02.03.2012 U/S 376, 506 IPC has been registered against Constable Sandeep Kumar, No.5149/CP by Police Station, Sadar Rohtak and during investigation he has also been arrested on 04.03.2012, he was produced in the court from where he further sent for judicial custody. The aforesaid conduct of the Constable Sandeep Kumar No.5149/CP (being newly recruited and was still under probation) leading to his involvement & arrest in the questioned criminal case, was neither desirable nor acceptable he being a member of disciplined force. The conduct leading to his arrest in the question criminal case being a member of discipline force and also being under probation, the Disciplinary Authority after framing on opinion that he was not likely to prove an efficient Police Officer, discharged him from Government service under PPR 12.21 vide O.No.25656-66/UT/E-II dated 07.06.2012.

3. Whereas, he preferred an appeal dated 18.12.2012 before Dy. Inspector General of Police stating that he was acquitted in the criminal case and he may be reinstated in government service which was considered and rejected vide No. 31209/UT/E-II dated 27.06.2013 by the Appellate Authority. Later on he has preferred Revision Petition before the competent authority which was also considered and rejected by Revisionary Authority vide No. 10/13-Police-Supdt (R&J)/2014/2105 dated 10.03.2014.

4. Whereas, he approached to the Hon'ble CAT by filing OA/60/383/2016 title as Sandeep Kumar Vs. UOI & Others which was dismissed vide order dated

09.05.2016. Then, he had again filed MA/60/0056/2016 in OA/60/00383/2016, which was also dismissed by the Hon'ble CAT vide order dated 28.08.2017.

3. Whereas, aggrieved with the orders dated 28.08.2017 passed by the Hon'ble CAT, he approached before the Hon'ble High Court by filing CWP/6758/2018 title as Sandeep Kumar Vs. CAT & Ors which was allowed by the Hon'ble High Court vide order dated 07.12.2022 and pronounced following judgment:

"Accordingly, the present writ petition is allowed. The order of discharge dated 07.06.2012 and order dated 27.06.2013, 25.02.2013 passed by the authorities and the order of the Tribunal dated 09.05.2016 and the dismissal of the review petition dated 28.08.2017 are set aside. The writ petitioner be reinstated within a period of 2 months from the receipt of certified copy of this order. He would be entitled to get all notional benefits including seniority".

4. In compliance of the order dated 07.12.2022 passed by the Hon'ble High Court Punjab and Haryana, Shri Sandeep Kumar S/O Partap Singh, is hereby, reinstated in service with immediate effect. He will be entitled to all the consequential notional benefits of seniority and fixation of pay from the date of dismissal. Since, he did not actually work as such, he will not be entitled for the grant of arrears of pay and allowances for the period from 07.06.2012 to date of joining. Further the period w.e.f. 07.06.2012 to date of joining for which he remained out of service will be treated as LKD.

5. This issues with the approval of W/DGP, UT, Chandigarh.


Praveer Ranjan, IPS
Director General of Police
Union Territory, Chandigarh

No. 5251-66 UT/E-II dated, Chandigarh the:- 03/2/2023

A copy is forwarded to the following for information and further necessary action:-

1. R/DGP, R/IGP, R/SSP/UT, R/SSP/Hqrs.
2. DSP/ Lines
3. AC (F&A), SO/Accounts, Supdt. Accounts.
4. I/Cs CRA (E-7), EHRMS, PEB, RI/Lines
5. I/C Computer Section (To upload orders on official website)
6. OB Clerk, Guard File.
7. Individual concerned.

computer


Manoj Kumar
Sr. Superintendent of Police/Hqrs.
for Director General of Police
Union Territory, Chandigarh