

BISHAN SINGH AND ORS.  
v.  
STATE OF PUNJAB AND ANR.

A

AUTUST 30, 1996

[K. RAMASWAMY AND G.B. PATTANAİK, JJ.]

B

*Service Law :*

*Punjab Police Rules :*

*Rule 16(2)—Dismissal from service—Members of Police Force—Grievance of inadequate accommodation—Peaceful march after duty hours, to represent to the Superintendent of Police, despite prohibitory orders in force—Suit filed for declaration that the dismissal order was null and void—Suit decreed—Appeal dismissed—High Court reversed the decisions and dismissed the suit—On appeal, held, though prohibiting order was violated, appellants marched peacefully to make representation—It cannot be said that they have committed misconduct warranting extreme penalty of dismissal from service—Hence the order set aside—State directed to impose penalty of stoppage of one increment without cumulative effect.*

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D

CIVIL APPELLATE JURISDICTION : Civil Appeal No. 12020 of 1996.

E

From the Judgment and Order dated 7.5.91 of the Punjab & Haryana High Court in R.S.A. No. 2260 of 1980.

K. Sultan Singh and R.M. Misra for the Appellants.

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Manoj Swarup for the Respondents.

The following Order of the Court was delivered :

Leave granted.

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We have heard learned counsel on both sides.

This appeal by special leave arises from the judgment and order dated May 7, 1991 of the High Court of Punjab & Haryana at Chandigarh made in RSA No. 2260/80. The admitted facts are that three appellants

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A along with 27 others had gone in a procession, in spite of the prohibitory order, to represent, to the Superintendent of Police at his residence, their grievance of inadequate accommodation and other facilities not provided to them. That was done after their duty was over in the evening. For the making of such representation and for violating the prohibitory order, an enquiry was conducted against the three appellants who had taken initiative and led the procession, making a charge that they were guilty of grave misconduct under Rule 16 (2) of the Punjab Police Rules which is held to have been proved; resultantly, they were dismissed from service. The order of dismissal was confirmed on appeal. Thereafter, the appellants filed suit for declaration that the order of dismissal was null and void and inoperative; the suit was decreed on April 7, 1979. On appeal, it was dismissed on February 20, 1980. In the second appeal, the High Court reversed the decisions and dismissed the suit. Thus this appeal by special leave.

D It is true that the appellants are disciplined members of the Police force. The grievance of inadequate accommodation provided to them is a legitimate grievance to be represented to the officer for its redressal. No doubt, prohibitory order was issued and their is violation thereof; however, the appellants marched peacefully to make their representation. Under these circumstances, it cannot be said that they have committed misconduct warranting extreme penalty of dismissal from service. Accordingly, the order of the High Court is set aside. However, the respondents are directed to impose penalty of stoppage of one increment without cumulative effect.

E The appeal is accordingly allowed. The appellants are entitled to reinstatement with all the consequential benefits. No costs.

G.N.

Appeal allowed.