



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

RSA-185-2006

Reserved on: 14.10.2025

Pronounced on : 20.11.2025

Uploaded On: 20.11.2025

Ram Nath

... Appellant

Versus

The State of Punjab and others

... Respondents

CORAM: HON'BLE MRS. JUSTICE SUDEEPTI SHARMA

Present: Mr. Arun Abrol, Advocate
for the appellant.

Mr. Animesh Sharma, Addl.A.G. Punjab

* * * *

SUDEEPTI SHARMA, J. (Oral)

1. The present regular second appeal is preferred against judgment and decree dated 16.02.2004, passed by Civil Judge (Sr. Division), Gurdaspur, whereby, the civil suit filed by the appellant was dismissed and judgment and decree dated 21.07.2005, passed by Additional District Judge, Gurdaspur, whereby the appeal filed by the appellant was also dismissed.

2. Brief facts of the case are that appellant was appointed in Punjab Police Force on permanent basis against permanent post vide order dated 21.04.2001. He was placed under suspension vide order dated 30.09.2000 w.e.f. 20.09.2000. Thereafter, departmental enquiry was conducted against him. He was reinstated vide order dated 09.11.2000 on completion of enquiry, however, his three years approved service was forfeited by S.S.P. Gurdaspur on the allegations that he was found under the influence of illicit liquor. In the departmental enquiry appellant submitted



that on 17.09.2000 he was on general duty at Police Station Dhar Kalan. On the said date, Education Minister and Deputy Commissioner were to attend the function under rehabilitation scheme at Village, Patwan Lawan for the distribution of cheques and in the said function, brick bating took place because of which many employees received injuries and FIR No.23 dated 17.09.2000 under Section 186/332 etc. was registered at Police Station Dhar Kalan. The appellant was also treated medically and on account of effect of medicines, smell of alcohol was coming from his mouth. SHO directed for medical examination of appellant and doctor had opined the smell of alcohol. Thereafter, Inquiry Officer held appellant guilty. The departmental appeal filed by him was also rejected by appellate authority. He filed civil suit challenging order dated 21.04.2001 and 18.09.2001 passed by appellate authority which was dismissed vide judgment and decree dated 16.02.2004. Further, he filed appeal against the judgment and decree dated 16.02.2004 which was also dismissed vide judgment and decree dated 21.07.2005. Hence, the present regular second appeal.

3. Learned counsel for the appellant contends that no medical (blood or urine test) was conducted and only on the basis of opinion of doctor who stated that there was smell of alcohol, the appellant was held to be under influence of liquor which was not proved by way of any medical test. He, therefore, prays that the present appeal be allowed.

4. Per contra, learned counsel for the respondent contends that it is not the case of the appellant that he was victimized. Regular departmental enquiry was conducted and on the basis of opinion of doctor it was found that he was under the influence of liquor. Hence, both the Courts have



rightly dismissed the civil suit as well as the appeal filed by the appellant. Therefore, the present appeal be dismissed.

5. I have heard learned counsel for the parties and perused the whole record with their able assistance.

6. A perusal of the record shows that every opportunity was granted to the appellant before awarding punishment. He was found under the influence of illicit liquor while posted on duty on 21.04.2001. Even SHO of Police Station at the time of checking also found him under the influence of liquor. He was taken to hospital and doctor declared that appellant had consumed liquor. Being in a disciplinary force, the appellant had consumed liquor while on duty which shows that he was not performing his duties diligently.

7. Summary of allegations was duly provided to the appellant along with list of documents. Various witnesses were examined to which no cross-examination and objection was made by appellant. No witness was cross-examined by the appellant despite due opportunity given to him to put his defense. He filed written defense on 20.03.2001, thereafter, detailed enquiry report was submitted. Inquiry Officer after taking into consideration statements of prosecution witnesses as well as defense evidence, found appellant guilty of dereliction of duty. Copy of enquiry report was duly supplied to him and enquiry report was submitted to punishing authority. The punishing authority issued show cause notice to appellant which was duly received by him. He gave reply to show cause notice, thereafter, punishing authority passed a speaking order vide which three years approved service of appellant for the purpose of increments was forfeited with



permanent effect. Therefore, the principles of natural justice were fully followed and both the Courts have rightly dismissed the civil suit as well as the appeal filed by the appellant.

8. In view of the above, judgment and decree dated 16.02.2004, passed by Civil Judge (Sr. Division), Gurdaspur and judgment and decree dated 21.07.2005, passed by Additional District Judge, Gurdaspur are upheld. The present regular second appeal is **dismissed**.

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

20.11.2025

(SUDEEPTI SHARMA)

Sahil

JUDGE

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No