

GOVERNMENT OF PUNJAB
DEPARTMENT OF HOME AFFAIRS
(HOME-1 BRANCH)

ORDER OF THE GOVERNOR OF PUNJAB

Whereas the SIT constituted by the Hon'ble Punjab & Haryana High Court in CWP-PIL-93-2023 (O&M) titled *Court On Its Own Motion Vs State Of Punjab and Others* has concluded that Sh. Gursher Singh Sandhu, PPS, Deputy Superintendent of Police (now under suspension w.e.f. 25-10-2024) facilitated the recording of an interview of Lawrence Bishnoi by a TV Channel, while he was in the custody of CIA, Kharar.

And whereas Sh. Gursher Singh Sandhu, PPS had been placed under suspension vide order No. Home-HM10INQ/27/2024- 2H1/2115 dated 25.10.24 and was issued a chargesheet vide order No. Home-HM-10INQ/27/2024- 2H1/2124 dated 25.10.24.

And whereas the above chargesheet was forwarded to Commandant, 9th Bn., PAP, Amritsar with the direction to ensure its delivery to Sh. Gursher Singh Sandhu, PPS (under suspension).

And whereas DGP has apprised that Sh. Gursher Singh Sandhu, PPS (under suspension) has evaded all attempts to receive the chargesheet. In the course of these efforts, when Sh. Gursher Singh Sandhu, PPS (under suspension) continued to evade receiving chargesheet, the Commandant, 9th- Battalion, Punjab Armed Police (PAP), Amritsar, arranged for the order to be affixed at the doorstep of the officer's residence as a means of ensuring formal service in compliance with procedural requirements. The detailed report submitted by Commandant, 9th Bn., PAP, Amritsar regarding the efforts made to deliver the chargesheet to Sh. Gursher Singh Sandhu, PPS (under suspension) has also been conveyed by the DGP vide his office Memo no. 7186/CB-3 dated 8.11.2024.

And whereas DGP has stated that Sh. Gursher Singh Sandhu, PPS (under suspension) has severely dented the image of the department as a result of his misconduct, negligence and dereliction of duty during the occurrence of the interview of Lawrence Bishnoi, while in custody of CIA Kharar.

And whereas Article 311 of the Constitution of India provides that-
311. "Dismissal, removal or reduction in rank of persons employed in civil capacities under the Union or a State.-

(1) No person who is a member of a civil service of the Union or an all-India service or a civil service of a State or holds a civil post under the Union or a State shall be dismissed or removed by an authority subordinate to that by which he was appointed.

(2) No such person as aforesaid shall be dismissed or removed or reduced in rank except after an inquiry in which he has been informed of the charges against him and given a reasonable opportunity of being heard in respect of those charges:

Provided that where, it is proposed after such inquiry, to impose upon him any such penalty, such penalty may be imposed on the basis of the evidence adduced during such inquiry and it shall not be necessary to give such person any opportunity of making representation on the penalty proposed:

Provided further that this clause shall not apply —

(a) where a person is dismissed or removed or reduced in rank on the ground of conduct which has led to his conviction on a criminal charge; or

(b) where the authority empowered to dismiss or remove a person or to reduce him in rank is satisfied that for some reason, to be recorded by that authority in writing, it is not reasonably practicable to hold such inquiry; or

(c) where the President or the Governor, as the case may be, is satisfied that in the interest of the security of the State it is not expedient to hold such inquiry.

(3) If, in respect of any such person as aforesaid, a question arises whether it is reasonably practicable to hold such inquiry as is referred to in clause (2), the decision thereon of the authority empowered to dismiss or remove such person or to reduce him in rank shall be final."

And whereas after careful consideration of the facts of the case, the State Government is satisfied that the provisions of sub-clause (b) of the 2nd Proviso to Clause (2) of Article 311 of Constitution of India are

attracted in the present case as it is not reasonably practicable to hold an Inquiry into the Chargesheet issued to Sh. Gursher Singh Sandhu, PPS (under suspension) in view of non-cooperative attitude of the officer.

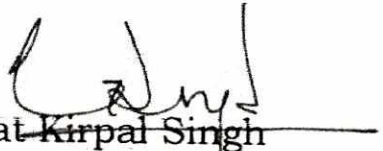
And whereas the Public Service Commission has, vide Memo No. डिम 546/2024/म-7/4314, dated 26.12.2024, concurred with the proposal of the State Government and granted approval to dismiss Sh. Gursher Singh Sandhu, PPS (under suspension) from Government Service under Article 311(2)(b) of the Constitution of India.

And whereas after careful consideration of the facts and circumstances, the State Government is satisfied that Sh. Gursher Singh Sandhu, PPS (under suspension) has severely dented the image of the Punjab Police as a result of his misconduct, negligence and dereliction of duty during the occurrence of the interview of Lawrence Bishnoi, while in custody of CIA Kharar. His failure to perform his duty properly is a gross violation of the discipline and conduct rules of the Punjab Police.

Now, therefore, in exercise of the powers conferred under Article 311 of the Constitution of India, and for the aforesaid reasons, Sh. Gursher Singh Sandhu, PPS (under suspension) is dismissed from the post of DSP in Punjab Police.

This order is being issued with the approval of the Competent Authority.

Dated, Chandigarh
2nd January, 2025


Gurkirat Kirpal Singh
Secretary to Government of Punjab
Department of Home Affairs

No. HOME-HM-10INQ/27/2024-2H1/23-25 Dated, Chandigarh: 02-01-2025

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

1. Special Principal Secretary to Chief Minister, Punjab.
- ✓ 2. Director General of Police w.r.t. their letter no. 7747/CB-III, dated 11.12.2024.
3. Concerned Officer through Director General of Police, Punjab.


Superintendent