

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

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**Civil Writ Petition No.10323 of 2015
Date of Decision:21.05.2015**

Nachhattar Singh

....petitioner

Versus

State of Punjab and others

.....respondents

CORAM: HON'BLE MR.JUSTICE ARUN PALLI

- 1.Whether Reporters of local papers may be allowed to see the judgement?**
- 2. To be referred to the Reporters or not?**
- 3. Whether the judgment should be reported in the Digest?**

Present: Mr.S.K.Bawa, Advocate
for the petitioner

ARUN PALLI, J.(ORAL):-

A writ in the nature of mandamus is prayed for, so as to direct respondent No.2 to grant back wages to petitioner from the date he was dismissed from service i.e.09.04.2013 to the date i.e.26.12.2014, he was reinstated.

In short, the petitioner was dismissed from service on account of misconduct by Superintendent (Headquarter) Jail, Ferozepur on 09.04.2013 (Annexure P1). The appeal preferred against the order of punishment was accepted by the Additional Director General of Police (Prisons), Punjab, Chandigarh, vide order dated 26.12.2014 (Annexure P4), as the appellate authority found that dispensing with the departmental enquiry in exercise of power under Article 311(2)(b) of the Constitution was illegal. As a result, the order of dismissal No.36, dated 09.04.2013 (Annexure P1) was set

aside and the petitioner was ordered to be reinstated in service. However, it was observed that it would be open to the disciplinary authority to re-initiate the disciplinary action within a period of three months. It is maintained that no further action has been initiated. That being so, petitioner purports to have represented to respondent No.2, vide representation dated 02.02.2015 (Annexure P5) and claimed wages from the date of his dismissal on 09.04.2013 till the date of his reinstatement. Learned counsel for the petitioner submits that though a considerable time has elapsed but his claim continues to await the consideration of the authorities.

Learned counsel for the petitioner submits that, at this stage, let this petition be disposed of, only, with a direction to respondent No.2 to consider and decide the representation (Annexure P5) made by the petitioner, within a specified time.

That being so, and, without expressing any opinion on merits, the instant petition is disposed of with a direction to respondent No.2 to consider and decide the claim of the petitioner as set out in his representation dated 02.02.2015 (Annexure P5), strictly, in accordance with law, within a period of three months, from the receipt of the certified copy of this order. Needless to assert, a comprehensive order shall be passed assigning reasons, in support of the decision arrived at.

21.05.2015

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(ARUN PALLI)
JUDGE