

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

CWP No. 16929 of 2015
Date of decision: 20.10.2015

Jail Singh

....Petitioner(s)

Versus

State of Punjab and others

...Respondent(s)

CORAM: HON'BLE MR. JUSTICE G.S.SANDHAWALIA

Present: Mr. M.S. Kohli, Advocate,
for the petitioner.

G.S.SANDHAWALIA, J. (Oral)

The petitioner seeks setting aside of the dismissal order dated 09.11.2011 (Annexure P-1) passed by the Commandant, 75th Battalion, Jalandhar Cantt and the relief of reinstatement to the post of Constable has been sought. A direction to respondent no. 2 to deal with the representation of the petitioner dated 20.04.2015 (Annexure P-4) has also been prayed for.

In view of the limited relief which this Court proposes to give, it is not necessary to call upon the respondents to file reply.

A perusal of the paper book would go on to show that the petitioner was removed from service as per Rule 16.2 (2) of the Punjab Police Rules, 1934 on account of his conviction by the order of the JMIC, Ferozepur dated 19.08.2011 wherein, one year sentence was imposed under Section 498-A IPC alongwith ₹2,000/- as fine.

The petitioner's appeal was dismissed on 11.07.2014 and he filed a Crl. Rev. No. 2750 of 2014 before this Court, which was decided on 02.02.2015 (Annexure P-3) whereby, his sentence was reduced to 10

months and the fine was enhanced to ₹25,000/-. The petitioner has thereafter filed representation dated 20.04.2015 (Annexure P-4) before respondent no. 2 placing reliance upon the circular dated 22.05.2009 (Annexure P-5) to take the plea that since the punishment was less than 3 years, any other punishment except dismissal should be imposed. It is the case of the petitioner that the said representation is still pending consideration.

Keeping in view the said fact, this Court is of the opinion that the present writ petition can be disposed of with a direction to respondent no. 2 to decide the representation dated 20.04.2015 (Annexure P-4) within a period of 3 months from the date of receipt of certified copy of the order keeping in view the above facts. In case the said circular permits the petitioner the benefit, the same shall accordingly be given to him. In case the relief is to be declined, reasons should be given.

20.10.2015
shivani

(G.S. SANDHAWALIA)
JUDGE