

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

**CWP No. 20147 of 2015
Date of decision: September 22, 2015**

Jai Pal Guleria and anr.

...Petitioners

Versus

Union of India and ors.

...Respondents

CORAM: HON'BLE MR. JUSTICE HARINDER SINGH SIDHU

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Present: - Mr. Arun Singla, Advocate
for the petitioners.

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HARINDER SINGH SIDHU, J.

The petitioners joined their duties as Head Constables with respondent No.3- Director General, Indo Tibetan Border Police Force, New Delhi in the year 1976 and 1986 respectively. Their services were terminated vide order dated 04.11.2000 (Annexure P-2). The petitioners challenged the order by filing Criminal Writ Petition No.121 of 2001, which was disposed of vide order dated 28.01.2013 (Annexure P-3). The punishment order was set aside. It was directed that the petitioners shall be deemed to have been discharged from service with effect from the date of their dismissal i.e. 4.11.2000.

The said order was challenged by the respondents in appeals, which were dismissed and the order of learned Single Judge was upheld. It was declared that the petitioners shall be deemed to have been discharged from the service as Head Constables w.e.f.

4.11.2000. This order has been accepted by the respondents-authorities and thereafter order dated 27.06.2015 (Annexure P-8) has been passed, whereby it has been stated that the earlier order dated 4.11.2000 is amended to the extent that 'dismissal' should be read as 'discharged'.

Learned counsel for the petitioners states that in view of the aforesaid judgment and the order passed pursuant thereto, the petitioners are entitled to pensionary benefits in terms of Rule 49(2)(b) of the Central Civil Services, 1972. He contends that in this regard, the petitioners have already submitted representations (Annexure P-6 and P-7) to respondent no.3 but no decision thereon has been taken.

Learned counsel for the petitioners states that at this stage, he would be satisfied if a direction is issued to respondent No.2 to take a decision on the representations (Annexures P-6 and P-7).

In view of the aforesaid, without going into the merits of the case, this writ petition is disposed of with a direction to respondent No.2 to consider and decide representations dated 24.1.2015 and 6.2.2015 (Annexures P-6 and P-7) expeditiously, preferably, within a period of three months from the date of receipt of a certified copy of this order.

22.09.2015
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(Harinder Singh Sidhu)
Judge