

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

CWP-24819-2015

Date of Decision: 30.11.2015

Mahender Kumar Mishra

---Petitioner

Vs.

Union of India and others

-----Respondents

CORAM: HON'BLE MR. JUSTICE HARINDER SINGH SIDHU

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Present: Mr. Sapan Dhir, Advocate for the petitioner.

HARINDER SINGH SIDHU, J.

The petitioner while working as Constable in the CRPF was awarded punishment of removal from service vide order dated 24.11.2014 (Annexure P-4) on account of overstay of 82 days sanctioned leave.

The petitioner submitted a representation dated 15.05.2015 (Annexure P-5) to the Deputy Inspector General of Police, Central Reserve Police Force Sonapat, Haryana against the aforesaid impugned order. As no decision has been taken thereon, the petitioner has filed the present writ petition seeking direction to quash the impugned order dated 24.11.2014 and also directing the respondents to take a decision on the representation dated 15.05.2015 by passing a speaking order in accordance with law.

As per Rule 28 of the Central Police Force Rules, 1955, the petitioner has a remedy of the appeal against the impugned order. Such an appeal is required to be filed within 30 days. As per Rule 28(e) of the said Rules, the Appellate Authority may entertain time barred appeal if deemed fit.

Learned counsel for the petitioner states that the petitioner could not file an appeal within the period of limitation of 30 days as the order was communicated to him late and also because he remained confined to bed during the said period.

Be that as it may, as the petitioner has statutory right to file an appeal and there is a provision in the Rule for entertaining the time barred appeal, the writ petition is disposed of with a direction to respondent No.2 to treat the representation (Annexure P-5) as an appeal. The delay in its filing may be condoned. The petitioner would have liberty to file a supplementary appeal incorporating additional grounds if so desired within a period of two weeks from today. It is expected that the appeal would be disposed of expeditiously, preferably within a period of four months from the date of receipt of a certified copy of this order.

30.11.2015
Atul

(Harinder Singh Sidhu)
Judge