

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

CWP-5302-2015

Date of Decision : 28.04.2015

Balwinder Singh

..... Petitioner

Versus

State of Punjab and others

..... Respondents

CORAM : HON'BLE MR. JUSTICE ARUN PALLI

Present:- Mr. Jagraj Singh Khiva, Advocate
for the petitioner.

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

ARUN PALLI, J. (ORAL)

A writ in the nature of mandamus is prayed for, so as to direct the respondents to reinstate the petitioner as the identically situated persons, who too were terminated on the same ground, have since been reinstated.

It is averred that the petitioner joined as Punjab Home Guard Volunteer on 22.2.1984 (in 72 Rural Company) and was issued identity Card No. 21417 (Annexure P-1). Pursuant to the instructions by the senior officers, he was even sent for weapon training and on completion of the course he was issued a certificate dated 27.2.1990 (Annexure P-2). However, on 1.1.1994 petitioner was discharged from service on account of his continued absence w.e.f. 1.11.1993 while he was posted at Police Station Budhlada along with other Home Guards Volunteers. Concededly nothing is brought on record to show that post discharge in January 1994

petitioner represented the respondents so as to permit him to rejoin the duty. Though, it is maintained that in the year 2013 the other Punjab Home Guards Volunteers, who too were discharged along with petitioner on the same ground, were reinstated by the respondents, and in support of the said assertion the petitioner has placed on record letter dated 5.3.2014 (Annexure P-4).

That being so, the petitioner purports to have approached the office of respondent No.2 repeatedly with a prayer to reinstate him. But with no tangible result. So much so, prior to the institution of this petition, the petitioner claimed to have even served a legal notice dated 2.2.2015 (Annexure P-5) upon respondent No.2, but that too has failed to evoke any response.

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 legal notice dated 2.2.2015 (Annexure P-5) served by the petitioner within a specified time.

That being so, and without expressing any opinion on merits, and particularly as regards the issue of delay/limitation, if any, arising in the matter, respondent No.2 is directed to consider and decide the claim of the petitioner, as set out in his legal notice dated 2.2.2015 (Annexure P-5), strictly in accordance with law, within a period of three months from the receipt of certified copy of the order. Needless to assert, a comprehensive order shall be passed, assigning reasons in support of the decision arrived at.

(ARUN PALLI)
JUDGE

28.04.2015
'SP'