

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH.

Civil Writ Petition No. 7085 of 2015

DATE OF DECISION : April 20, 2015

Jatinder Singh

..... PETITIONER(S)

VERSUS

State of Punjab & ors.

.... RESPONDENT(S)

CORAM : HON'BLE MR. JUSTICE ARUN PALLI

Present: Mr. Sandeep Arora, Advocate, for the petitioner.

ARUN PALLI, J. (Oral)

A writ in the nature of mandamus is prayed for, directing the respondents to assign duties to the petitioner as Driver in Punjab Roadways, Jalandhar-1 Depot, Jalandhar i.e. respondent No.3, consequent upon the disposal of the criminal case i.e. F.I.R. No.23 dated 12.02.2011 under Sections 279/304-A, Indian Penal Code, that was registered against the petitioner at Police Station Ladowal, District Ludhiana.

It is averred that the petitioner joined service as Driver on 07.07.1989. An F.I.R. No.23 dated 12.02.2011 was registered against the petitioner under Sections 279/304-A, Indian Penal Code, on account of death of ASI Rajinder Kumar (since deceased) of Punjab Police, in an accident. Petitioner was convicted in the said case and sentenced to undergo imprisonment for a period of one year by Judicial Magistrate Ist Class, Ludhiana, on 01.03.2013. Appeal preferred against the

said judgment was dismissed by the Additional Sessions Judge, Ludhiana on 16.04.2014. And a Criminal Revision No.1997 of 2014, preferred before this Court, was also dismissed on 25.11.2014, although sentence was reduced to the period already undergone by the petitioner. As a result, petitioner was released and he submitted an application dated 11.12.2014 (Annexure P-4), to respondent No.3, so as to enable him to join the duties. But, to no avail.

Learned counsel for the petitioner contends that since a period of more than four months has elapsed and the matter is still pending consideration of respondent No.3, let this petition, at this stage, be disposed of with a direction to respondent No.3 to consider and decide the claim of the petitioner within a specified time.

That being so, and without expressing any opinion on merits, this petition is disposed of with a direction to respondent No.3 to consider and decide the claim of the petitioner, as set out in his joining report dated 11.12.2014 (Annexure P-4), strictly in accordance with law, within a period of three months from the date of receipt of certified copy of this order.

Needless to assert, a comprehensive order shall be passed, assigning reasons in support of the decision arrived at.

APRIL 20, 2015
Kang

(ARUN PALLI)
JUDGE