

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

CWP No.8268 of 2015
Date of decision: 30.04.2015

Gian Singh

... Petitioner

Versus

State of Punjab and another

... Respondents

CORAM: HON'BLE MR. JUSTICE ARUN PALLI

Present: Mr. OP Kamboj, 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)

Writ in the nature of mandamus is prayed for so as to direct respondent No.1, to consider and decide the appeal preferred by the petitioner, dated 14.05.2009 (Annexure P2), against an order of punishment dated 07.02.2009 (Annexure P1), that continues to be pending despite lapse of considerable time. Petitioner Gian Singh, Inspector Grade-I and Sukhwinder Singh, Inspector Grade-I were held to have caused a financial loss of ₹ 2,90,602/- to the Government, as they on their own volition transferred three truck loads of paddy to M/s Kamboj Rice Mill Fatehgarh Panjtoor, without the permission of the competent authority. And therefore, a recovery of ₹ 2,90,602/- was ordered against them, which was apportioned equally between the two [₹ 1,45,301/- each]. It is maintained that against the said order (Annexure P1),

petitioner preferred an appeal dated 14.05.2009 (Annexure P2), which is purported to be still pending consideration of respondent No.1, as no formal order has yet been passed thereon. So much so, prior to the institution of this petition, respondent No.1 was even served upon a legal notice dated 21.01.2015 (Annexure P3). But that too has failed to evoke any response.

Learned counsel for the petitioner submits that let this petition, at this stage, be disposed of only with a direction to respondent No.1, to consider and decide the appeal dated 14.05.2009 (Annexure P2), preferred by 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.1, to consider and decide the appeal dated 14.05.2009 (Annexure P2), preferred by the petitioner, strictly in accordance with law, within a period of 3 months from the 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 30, 2015
Rajan

(Arun Palli)
Judge