

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

CWP No.9131 of 2015
Date of decision: 11.05.2015

Vinod Kumar

... Petitioner

Versus

State of Punjab and others

... Respondents

CORAM: HON'BLE MR. JUSTICE ARUN PALLI

Present: Mr. Sharwan Sehgal, 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 the respondents to consider and decide the suspension period of the petitioner i.e. w.e.f. 23.08.2005 to 08.01.2006 and consequently, complete his service book. And he be afforded all annual increments along with arrears etc. It is averred that the petitioner was appointed as Helper by the General Manager, Punjab Roadways, Ludhiana in the year 1975. He was promoted as Assistant Fitter in the year 1979 and is currently engaged as J.T. Mechanic at Punjab Roadways Depot, Jagraon. He purports to have been falsely implicated in an FIR No.126, dated 23.8.2005, registered under Sections 364/148/149 IPC at Police Station Sarabha Nagar, Ludhiana. And he had to remain in custody for about two months. Resultantly, he was placed under suspension

vide order Annexure P1. However, he was reinstated vide order dated 09.01.2006 (Annexure P2), but the decision as to how his suspension period was to be construed was deferred till the decision of the criminal case. It is maintained that the above-stated FIR was quashed by this court in CrI. Misc. No.M-28394 of 2009, vide order dated 25.11.2009 (Annexure P3). And all the accused in the said FIR, who were challaned, were discharged by the trial court. The grievance being expressed by the petitioner is that despite that being so, the period of his suspension i.e. w.e.f. 23.08.2005 to 08.01.2006, remains undecided. It appears that post quashing of the FIR by this court on 25.11.2009 (Annexure P3), the petitioner remained quiet over the issue and did not represent the authorities in this regard. Be that as it may, the petitioner continues to be in service and an order as regards his period of suspension, has to be passed. It is maintained that prior to the institution of this petition, the petitioner served upon the respondents a legal notice dated 05.01.2015 (Annexure P5). But with no tangible result.

Learned counsel for the petitioner submits that let this petition, at this stage, be disposed of only with a direction to the respondents to consider and decide his legal notice (Annexure P5) within a specified time.

That being so, and without expressing any opinion on merits, this petition is disposed of with a direction to the

respondents, to consider and decide the claim of the petitioner, as set out in his legal notice dated 05.01.2015 (Annexure P5), 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.

May 11, 2015
Rajan

(Arun Palli)
Judge