

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

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**Civil Writ Petition No.9157 of 2015
Date of Decision:11.05.2015**

Jagmohan Singh

....petitioner

Versus

State of Punjab and others

.....respondents

CORAM: HON'BLE MR.JUSTICE ARUN PALLI

Present: Mr.D.S.Gandhi, Advocate
for the petitioner

ARUN PALLI, J.(ORAL):-

A writ in the nature of mandamus is prayed for, so as to direct respondents No.2 and 3 to reinstate the petitioner, since he was placed under suspension on account of having remained in police custody for more than 48 hours, and, vide judgement dated 19.02.2015 (Annexure P3), he has since been acquitted.

Petitioner was arrested by the Punjab Vigilance Bureau on 14.05.2012, pursuant to FIR No.14 dated 19.07.2010, under Sections 467, 468,471, 120-B, IPC and 7, 13(1)(2) of Prevention of Corruption Act, 1988. As he remained in police custody for more than 48 hours, in terms of the government instructions, he was placed under suspension vide order dated 29.05.2012 (Annexure P2), by Divisional Commissioner, Jalandhar Division. He was tried by Special Judge, Tarn Taran and vide judgement dated 19.02.2015 (Annexure P3), he was acquitted as the prosecution failed to prove its case.

That being so, vide representation dated 27.02.2015 (Annexure P4), petitioner represented to the Commissioner, Jalandhar Range, Jalandhar, and prayed for reinstatement in the wake of the decision dated 19.02.2015 (Annexure P3). But to no avail.

It is maintained that prior to the institution of this petition, respondent No.2 was even served upon a legal notice dated 22.04.2015 (Annexure P6), 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 respondents No.2 and 3 to consider and decide the legal notice dated 22.04.2015 (Annexure P6) served by the petitioner within a specified time.

That being so, and, without expressing any opinion on merits, the instant petition is disposed of with a direction to respondents No.2 and 3, to consider and decide the claim of the petitioner, as set out in the legal notice dated 22.04.2015 (Annexure P6), strictly, in accordance with law, within a period of three months, from the date of receipt of the certified copy of this order. Needless to assert, a comprehensive order shall be passed assigning reasons, in support of the decision arrived at.

11.05.2015
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(ARUN PALLI)
JUDGE