

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

**C.W.P No. 7076 of 1996
Date of decision : 03.05.2016**

Rattan Lal

...Petitioner

versus

State of Haryana and others

...Respondents

CORAM: HON'BLE MS. JUSTICE RITU BAHRI

Present: Mr. Harish Nain, Advocate
for the petitioner

Mr. Rajesh Gaur, Addl. A.G. Haryana

RITU BAHRI , J. (Oral)

Petitioner was appointed as Constable on 24.08.1995 under Ex Gratia Scheme, as his father died on 23.05.1991 and thereafter, the petitioner was removed from service, vide order dated 28.02.1996 and since then he had not been paid (P-14). Petitioner is seeking direction to the respondents to appoint him as ASI in place of his father, who had died in service and further prayer is to pay full salary and allowances to the petitioner.

On notice, a written statement has been filed by respondent Nos. 1 to 3 taking a stand that the petitioner has rightly

been appointed as Constable and he has accepted this post without any protest.

An affidavit of Sudhir Mohan, IPS, Supdt of Police, Karnal has been filed clarifying that it was the petitioner who had informed that he had been removed from service under the order of this Court. As per report of Supdt of Police, Rohtak letter dated 28.02.1996 was written to Deputy Inspector General of Police, Haryana Armed Police, Madhuban on sympathetic consideration as the recruitment on ex gratia was saved by the judgment dated 16.02.1996. Letter dated 28.02.1996 was written on the basis of information given by the petitioner.

Thereafter, an affidavit has been filed by Krishan Murari, IPS, Commandant, 2nd Bn., Haryana Armed Forces, Madhuban and it has been stated that the petitioner remained absent from duty while he was posted in this battalion w.e.f 02.03.1996 to 21.04.1996, 13.05.1996 to 20.09.1996, 17.02.1997 to 23.02.1997 and this period has been sanctioned as a leave of kind due vide OB No. 66/27.01.1998 (A-1) and the leave of kind due period of the petitioner, sanctioned vide OB No. 66/27.01.1998 was regularized vide order dated 24.07.1998 (A-2). Thus, the petitioner is not entitled to any arrears.

Thus, the petitioner has not challenged the above orders

(A-1 and A-2) and no case is made out for giving direction to the respondents.

The petition stands dismissed.

(RITU BAHRI)
JUDGE

03.05.2016

G Arora