

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

CWP No. 10380 of 2016 (O&M)

Date of Decision: 24.5.2016

Jiwan Chander

... Petitioner

Versus

State of Punjab and others

... Respondents

CORAM:- HON'BLE MR. JUSTICE RAJIV NARAIN RAINA

Present: Mr.Deepak Sonak, Advocate for the petitioner

1. To be referred to the Reporters or not?
2. Whether the judgment should be reported in the Digest?

RAJIV NARAIN RAINA, J. (Oral)

1. The petitioner, a Government servant, was dismissed from service following his conviction under Sections 324/34 of the IPC and sentence by the trial court on the proven criminal charge to serve six months in rigorous imprisonment. In appeal before the Sessions Court his sentence was upheld but he was given the benefit of probation and released from confinement on good conduct. Against the order of dismissal and in the light of the order passed by the criminal courts, the petitioner filed a statutory appeal on 9.5.2013 before the 2nd respondent, the Director, State Transport, Punjab, Chandigarh which has not been decided so far. The petitioner has approached this Court for directions to the 2nd respondent to take up the appeal and decide the same on merits within a reasonable time as deemed appropriate. Since the appeal is statutory in nature, the 2nd respondent is by duty bound to decide the same within reasonable time. An appeal pending before the statutory authority since 2013 cannot be said to be pending for reasonable time. Such appeals should normally be decided within

three to six months which is a fair measurement of reasonable period for

decision-making.

2. In view of the above, a direction is issued to the 2nd respondent to take up the appeal of the petitioner on board and decide the same on merits in accordance with law. Since already inordinate time has elapsed, the appellate authority would do well to decide the appeal within three months, beyond which further delay would not be justified.

3. Accordingly, a direction is issued to the appellate authority to take up the appeal and decide the same on merits by assigning meaningful reasons to the grounds of appeal by dealing with each of them and returning findings thereon in accordance with rules. The petitioner would appear before the appellate authority on 1st June, 2016 who would then notify time and date for affording an opportunity of hearing to the petitioner on his grievances in the appeal and would then proceed to pass a reasoned order and communicate the same to the petitioner within the same time frame.

4. With the above observations and directions, this petition is disposed of without expressing any opinion on the merits.

24.5.2016
MFK

(RAJIV NARAIN RAINA)
JUDGE