

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

**CWP No.11715 of 2016
Decided on :02.06.2016**

Nanak Dass

... Petitioner

Versus

State of Punjab and others

... Respondents

CORAM : HON'BLE MR.JUSTICE G.S. SANDHAWALIA

Present : Mr. R.K. Arora, Advocate for the petitioner.

G.S. Sandhawalia, J. (Oral)

The petitioner seeks the quashing of the order dated 13.01.2012 (Annexure P-4) passed by the Forest Division Officer, Jalandhar, whereby on account of lodging of FIR No.31 dated 10.05.2011, the appointment order dated 28.10.2011 (Annexure P-2) was cancelled with the condition that in case of decision on the said FIR, his request for regularization would be considered.

Counsel submits that against the said order, he filed a representation to the Chief Conservator, Bist Circle, Punjab on 29.07.2013 (Annexure P-5) that the FIR had nothing to do with his service and was lodged on account of a private dispute *inter se* the villagers. Therefore, his regularization should be restored. It is, accordingly, contended that the petitioner is in service since 1976 and is due to retire in 2018 and would be adversely affected on account of the withdrawal of the regularization order. Mere registration of a criminal case would not disqualify him, specially in view of the fact that it had nothing to do with his official work. Reference was made to the judgment of the Division Bench in '***Dinesh Kumar Vs. State of Haryana and others'*** 2007 (2) SLR 293.

Counsel submits that he would be satisfied if a decision is taken on the representation dated 29.07.2013 (Annexure P-5) within a time-bound frame.

Notice of motion.

On the asking of the Court, Mr. R.S. Sidhu, AAG, Punjab accepts notice on behalf of the respondents. Adequate number of copies have been supplied to him.

Keeping in view the above facts, this Court does not feel it necessary to call upon the respondents to file reply, since the decision making is still in progress.

Without commenting on the merits of the case or the entitlement of the petitioner, the present writ petition is disposed of with a direction to the respondent No.3 to decide the abovesaid representation within a period of 3 months from the receipt of the certified copy of this order.

With the aforesaid observations, the present writ petition stands disposed of.

JUNE 02, 2016
Naveen

(G.S. SANDHAWALIA)
JUDGE