

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

Civil Writ Petition No.1988 of 2016

Date of decision: 1.2.2016

Jaspal Singh

...Petitioner

Versus

The State of Punjab and others

...Respondents

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

Present: Mr. K.S.Boparai, Advocate for the petitioner.

G.S.SANDHAWALIA, J. (Oral)

The petitioner has approached this Court for setting aside of order dated 8.1.2008 (Annexure P/1) whereby he was dismissed from service by respondent no.3 on the ground of conviction recorded by the Special Judge, Patiala vide judgment dated 11.5.2005 in FIR No.1059 dated 14.11.2001 registered at Police Station Sadar Patiala.

It is the pleaded case of the petitioner that he has been acquitted in Criminal Appeal No.S-958-SB of 2005 by this Court on 21.1.2015 which was filed against the conviction. The petitioner thereafter sent legal notice dated 25.3.2015 (Annexure P/3) to the respondents that he be reinstated with all consequential benefits but no action has been taken on the said representation in spite of the fact that period of almost one year has expired.

Counsel for the petitioner submits that he would be satisfied if a direction is issued to respondent no.3 to decide the legal notice dated 25.3.2015 (Annexure P/3) within some fixed time frame.

Notice of motion.

Mr. R.S.Sidhu, Assistant Advocate General, Punjab accepts notice on behalf of respondents. Copies of the writ petition have been supplied to him.

Keeping in view the limited relief sought by the petitioner, this Court is of the opinion that there is no requirement of calling for any reply on behalf of the State.

Accordingly, without commenting upon the merits of the case, this Court is of the opinion that respondent no.3 is under legal obligation to decide the legal notice dated 25.3.2015 (Annexure P/3) keeping in view the provisions of Rule 16.2 (2) of the Punjab Police Rules, 1934 once the acquittal order has been passed in favour of the petitioner.

Accordingly, the present writ petition is disposed of with a direction to respondent no.3 to take into consideration the said legal notice dated 25.3.2015 (Annexure P/3) and pass an appropriate order in accordance with aforesaid Rules within a period of three months from the date of receipt of a certified copy of this order. In case there is any legal impediment and an adverse order is to be passed then a reasoned order be passed by the said respondent and be conveyed to the petitioner.

The present writ petition is disposed off with the aforesaid directions.

February 01, 2016
Pka

(G.S.SANDHAWALIA)
Judge