

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

**CWP No. 5574 of 2016**  
**Date of decision: 28.04.2016**

Ex. Constable Gurcharan Singh

....Petitioner(s)

Versus

State of Punjab and others

...Respondent(s)

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

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

**G.S.SANDHAWALIA, J. (Oral)**

The petitioner seeks quashing of the order dated 31.12.1998 (Annexure P-1) of dismissal from service and the subsequent order dated 31.03.2015 (Annexure P-6) passed by respondent no. 3. A further prayer has been made for directing respondent no. 2 to take a final decision on the representation/appeal dated 10.08.2015 (Annexure P-8).

Counsel submits that there were two sets of proceedings against the petitioner, one on the criminal side and the another on the departmental side on account of forgery of the matriculation certificate. The criminal proceedings have ended in acquittal by this Court in CrI. Rev. No. 1870 of 2005, decided on 07.03.2014 (Annexure P-2). Prior to that on 31.12.1998 (Annexure P-1), the petitioner was dismissed on account of the inquiry against him. Thereafter, in view of the acquittal, he was reinstated in service on 29.09.2014 (Annexure P-3) and fresh departmental proceedings were ordered since the earlier one was ex parte. Now, vide the impugned order dated 31.03.2015 (Annexure P-6), the order of dismissal dated 31.12.1998 has been restored by respondent no. 3.

It is submitted that the appeal dated 10.08.2015 (Annexure P-8) is pending before respondent no. 2 but no action is being taken on the same and thus, the petitioner is being prejudiced being out of service. Counsel submits that he would be satisfied if the above said appeal is decided within a time bound frame.

Notice of motion.

Mr. R.S. Sidhu, AAG, Punjab accepts notice. Copy of the writ petition has been handed over to him.

Keeping in view the limited relief sought, this Court is of the opinion that there is no need for the respondents to file reply.

Accordingly, keeping in view the facts and circumstances and without commenting on the merits of the case, this Court is of the opinion that the writ petition can be disposed of with a direction to respondent no. 2 to decide the appeal which is pending within a period of 3 months from the date of receipt of certified copy of the order. Needless to say if the relief is to be denied, a reasoned order be passed and conveyed to the petitioner.

28.04.2016  
shivani

(G.S. SANDHAWALIA)  
JUDGE