

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

CWP No.9933 of 2016
Date of decision:19.5.2016

Hakam Singh & ors.

... Petitioners

Versus

State of Punjab

... Respondent

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

Present: Mr. RS Bajaj, Advocate,
for the petitioners.

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 petitioners have been inflicted punishment following inquiries held against their conduct where charges have been proven. They have filed separate statutory appeals under Rules 7 & 21 of the Punjab Civil Services (Punishment and Appeal) Rules, 1970. The appeals have been filed in February, 2013. They have not been decided so far, despite legal notice having been served on the respondents on February 15, 2016.

2. Notice of motion.

3. On the asking of Court, Mr. Harkesh Manuja, Addl.A.G., Punjab, accepts notice on behalf of the respondent and waives service.

4. The limited relief sought in this petition is for a direction to the appellate authority to decide the appeals since they have been pending for an unreasonably long time. Mr. Bajaj prays that a direction deserves to be issued to the respondents to decide their appeals in a time bound manner.

5. The request is fair because everyone has a right to speedy justice and especially a decision on statutory appeal without inordinate delay. A duty is cast on the appellate authority to act with promptitude in deciding appeals. It cannot linger on the matter and cause further prejudice to the petitioners since they are both faced with punishment orders which would impact their service careers and therefore they have a right to decision. The prayer is such that it cannot be opposed by Mr. Manuja.

6. Consequently, a mandamus is issued to the appellate authority to take up the appeals in hand and endeavour to decide the same within two months from the date of receipt of a certified copy of this order. Needless to say that if the petitioners make a request for personal hearing, the same will be granted. It is expected that the orders in appeal would be speaking dealing with the grounds taken in the memorandum of appeals and reasons assigned so that judicial review, in case the need arises, the Court would know what has weighed in the mind of the appellate authority. This order is passed without expressing any opinion on the merits least it causes prejudice to the petitioners and the State.

7. With these observations and directions, the petition is disposed of.

(RAJIV NARAIN RAINA)
JUDGE

19.5.2016
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