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

CWP-20088-2015

Date of decision : 08.02.2017

Kamaljit Singh

... Petitioner

Versus

Union of India and others

... Respondents

CORAM: HON'BLE MR. JUSTICE AMIT RAWAL

Present: Mr. Paras Talwar, Advocate
for the petitioner.

Mr. Indresh Goel, Advocate
for respondent Nos.1 and 2.

Ms. Monica Chhibber Sharma, DAG, Punjab.

AMIT RAWAL, J. (ORAL)

The writ of mandamus is being sought by the petitioner directing the respondent Nos.1 and 2/Passport Authority for issuance of the new passport on the premise that he had, vide judgment dated 31.03.2015, been released on probation which is, as per Section 12 of the Probation of Offenders Act, not a conviction.

Mr. Indresh Goel, learned counsel appearing on behalf of the Union of India/respondent Nos.1 & 2 submits that as per Section 6(2)(e) of the Passport Act, 1967, if a person has been convicted for two years or more, would be not eligible for issuance of the new passport, but the fact remains that this point has not been pondered upon by the authorities by taking into consideration the provisions of the Act i.e. whether it would be a

conviction or not, but released on probation for a period of 3 years, which shall expire in the year 2018.

At this stage, Mr. Indresh Goel submits that the Regional Passport Officer shall decide the application/representation dated 25.04.2015 of the petitioner by passing of a speaking order in view of the *ratio decidendi* culled out by the judgment of Division Bench of this Court in “Manjit Singh V/s Union of India and others” 2004 (4) RCR (Civil) 224.

Let this exercise be done within a period of two months from the receipt of the certified copy of this order after affording an opportunity of hearing to the petitioner and thereafter, speaking order conveying its decision be communicated to the petitioner.

Accordingly, the present writ petition stands disposed of.

08.02.2017
Yogesh Sharma

(AMIT RAWAL)
JUDGE

	✓
Whether speaking/reasoned	Yes/ No
	✓
Whether Reportable	Yes/ No