

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CWP No.10554 OF 2018
DECIDED ON: APRIL 30, 2018

SURINDER PAL

.....PETITIONER

VERSUS

STATE OF PUNJAB AND ORS.

.....RESPONDENTS

CORAM: HON'BLE MR. JUSTICE JASPAL SINGH

Present: Mr. Harnek Singh, Advocate,
for the petitioner.

JASPAL SINGH, J. (Oral)

By virtue of instant petition preferred under Article 226/227 of the Constitution of India, petitioner has sought issuance of a writ in the nature of certiorari for quashing/setting aside order dated 22.01.2014 (P-5) passed by respondent No.2 vide which 10% cut in pension has been imposed upon him on account of pendency of criminal case.

2. At the very outset of the preliminary hearing of the instant case, it has emerged that criminal case bearing FIR No.45, dated 17.10.2010, under Sections 279, 337, 338 and 304-A IPC, Police Station Barotiwala was registered against the petitioner. But vide order dated 22.03.2017 passed by Chief Judicial Magistrate Kasauli, District Solan, the criminal case pending against the petitioner has since been disposed of whereby he stands acquitted of the charges framed against him. However, a statutory appeal was preferred by the petitioner

against impugned order dated 22.01.2014 (P-5) before the Secretary, Department of Transport, Punjab, Mini Secretariat, Sector 9, Chandigarh on 28.08.2017, which is still pending and no final decision has been taken by the appellate authority.

3. At this juncture, learned counsel for the petitioner submits that petitioner feels satisfied in case direction is issued to appellate authority i.e. Secretary, Department of Transport, Punjab-respondent No.1 to decide the appeal preferred by him against order dated 22.01.2014 (P-5) referred to above within some prescribed period.

4. Accordingly, without expressing any opinion on the merits and keeping in view the aforesaid aspects, instant petition is disposed of with a direction to respondent No.1- Secretary, Department of Transport, Punjab to consider and take a final decision on the appeal preferred by the petitioner against order dated 22.01.2014 (P-5), within a period of four months positively from the date of receipt of certified copy of this order.

APRIL 30, 2018
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(JASPAL SINGH)
JUDGE

<i>Whether speaking/reasoned</i>	<i>Yes</i>
<i>Whether reportable</i>	<i>Yes/No</i>