

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

**CWP No.14874 of 2018
DECIDED ON: JUNE 01, 2018**

OM PARKASH

.....PETITIONER

VERSUS

STATE OF HARYANA AND ORS.

.....RESPONDENTS

CORAM: HON'BLE MR. JUSTICE JASPAL SINGH

Present: Mr. Vikas Kumar Sharma, Advocate for
Mr. Surinder Mohan Sharma, Advocate
for the petitioner.

JASPAL SINGH, J (ORAL)

By virtue of instant petition preferred under Article 226 of the Constitution of India, petitioner has sought a writ in the nature of mandamus directing the respondents to release him the admissible pension as per length of service rendered by him AS WELL AS for issuance of a writ in the nature of certiorari to quash the reply dated 05.06.2017 (P-8) in response to the legal notice dated 10.03.2017 (P-7), whereby, the afore-said relief has been declined.

2. At the very outset, it has emerged that the petitioner was enrolled as Constable in the Haryana Police in November, 1980 and on 08.08.2003 when he was posted as Guard in District Jail, Karnal he was bitten by a Snake in the District Police Line premises. Since, his condition was deteriorated, he was sanctioned 5 days leave w.e.f. 08.08.2003. Thereafter, he could not resume his

duties on account of sudden demise of his father on 11.08.2003 and subsequent thereto, on account of the reason that his wife sustained multiple injuries in an accident on 25.08.2003. Even, subsequent thereto, also wife of the petitioner remained confined on bed and in the Month of February, 2017 his real brother expired.

3. Though, petitioner requested for sanction of leave during the afore-said period but that was declined and due to that reason departmental proceedings were initiated and conducted and vide order dated 31.03.2004 (P-4) he was dismissed from service. The said order of dismissal was challenged by him before the Inspector General of Police by filing an appeal but that appeal was also dismissed vide order dated 02.09.2004 (P-5). Even, revision petition filed before the Director General of Police, Haryana against the order dated 02.09.2004 (P-5) was also met with same fate and was dismissed vide order dated 15.09.2005 (P-6). Not only this, petitioner approached this Court by way of CWP No. 21386 of 2008, challenging the order of dismissal dated 31.03.2004 but that writ petition was also dismissed.

4. Since, on account of dismissal of petition from service, he could not get any sort of service benefit and through the instant petition he has sought that relief by considering it mercy petition to release the pension keeping in view his length of service but this Court is of the considered view that there is no such provision in the Rules, that too, after the dismissal of appeal, revision petition as well as writ petition preferred by him referred to above. No such plea was ever raised by the petitioner at any point of time before the above-referred authorities or this Court earlier during the pendency of CWP No. 21386 of 2008.

5 Thus, for the simple reason that he has rendered service for a
considerable period, no such petition is legally maintainable.

6 Dismissed.

JUNE 01, 2018
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(JASPAL SINGH)
JUDGE

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