

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

**C.W.P 4913 of 2019
Date of decision : 25.02.2019**

Kuldeep SinghPetitioner

versus

State of Haryana and others ...Respondents

CORAM: HON'BLE MS. JUSTICE RITU BAHRI

Present: Mr. Ashwani Verma, Advocate, for the petitioner.

RITU BAHRI, J. (Oral)

Petitioner is seeking issuance of writ in the nature of mandamus directing respondent No. 1 to decide representation dated Nil (P-7) and demand notice dated 16.02.2018 (P-8) and consider his case at par with Gharsa Ram, SI No. 437/H, with all consequential benefits, in view of order dated 23.12.2013 (P-6) by respondent NO. 1, vide which punishment awarded to him has been reduced to compulsory retirement, keeping in view the fact that he has rendered 37 years of service.

Learned counsel at the very outset submits that the petitioner has almost rendered about 30 years of service and on account of judgment of conviction dated 26.10.2012, the petitioner was dismissed from service, vide order dated 16.11.2012 (P-1). The petitioner preferred appeal as well as revision against the above said order, but the same were dismissed vide order dated P-3 and P-5.

Learned counsel submits that the petitioner was simply the member of the patrolling/raiding party, which was being headed by SI Gharsa Ram NO. 437/H. Once SI Gharsa Ram was compulsory retired from service, the petitioner

is also entitled for the same.

Learned counsel submits that petitioner has filed representation cum mercy petition (P-7), which is pending till date.

Learned counsel has placed on record letter dated 15.09.2016 whereby on mercy petition submitted by the petitioner, the Addl. Chief Secretary Government of Haryana, Home Department has sought comments from the Government. The letter dated 15.09.2016 is taken on record as Annexure A-1.

Without expressing any opinion on the merits of the case, this petition is being disposed of by giving direction to respondent No. 1 to take a final decision on the representation cum mercy petition (P-7) and pass appropriate orders, in accordance with law, keeping in view the fact that the petitioner has also rendered 30 years of service. This exercise shall be completed within a period of three months from the date of receipt of certified copy of this order.

February 25, 2019
G Arora

(RITU BAHRI)
JUDGE

Whether speaking/reasoned
Whether reportable

Yes
No