

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

109

CWP-19048-2020

Decided on : 11.11.2020

Mukhtiar Masih

... Petitioner

Versus

State of Punjab & others

... Respondents

CORAM : HON'BLE MR.JUSTICE G.S. SANDHAWALIA

Present: Mr.Vivek Singla, Advocate, for the petitioner.

Mr.A.P.S.Gill, AAG, Punjab.

(The proceedings are being conducted through video conferencing,
as per instructions.)

G.S. Sandhawalia, J. (Oral)

Prayer in the present writ petition, filed under Articles 226/227 of the Constitution of India is for issuance of a writ in the nature of certiorari for quashing the impugned order dated 19.07.2007 (Annexure P-2) and further directing the respondents to reinstate the petitioner as Constable along with consequential benefits including retiral benefits.

The case of the petitioner, in brief, is that he was dismissed from service vide the above order on account of the Middle Standard certificate issued which was found to be false on enquiry since he was selected as a Constable in the year 2002 by the Central Recruitment Board, Jalandhar. On an earlier point of time, he had been working as SPO. A FIR No.27 dated 17.04.2007 had already been registered under Sections 420, 466, 468, 471 IPC at Police Station Fatehgarh Churian. The matter had been inquired into by Shri Dharamjit Singh, PPS, Deputy Superintendent of Police/Detective, Batala regarding the certificate which was found to be false.

Initially, the petitioner was convicted by the JMIC, Batala on 29.10.2014. However, in appeal, petitioner was successful on 17.10.2017 (Annexure P-3) by Addl. Sessions Judge, Gurdaspur. On the said acquittal, the petitioner filed mercy petition before respondent No.2 on 08.03.2019 (Annexure P-4), seeking reinstatement in service.

Counsel for the petitioner submits that the said mercy petition is still pending consideration. It is contended by counsel for the petitioner that there were no departmental proceedings on the basis of which the petitioner was

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dismissed from service and therefore, he would be entitled for reinstatement and retiral benefits since he has reached the age of superannuation. It is submitted that the cause of action, thus, arose after the acquittal and in such circumstances, petitioner would be satisfied if a decision is taken on the said mercy petition, within a fixed time-frame.

Notice of motion.

Mr.Gill accepts notice on behalf of respondents.

Keeping in view the fact that the decision making is incomplete, this Court is of the considered opinion that it is not necessary to call upon the respondents for filing reply, as it would delay the proceedings.

Accordingly, without commenting upon the merits of the case, the present writ petition is disposed off with the direction to respondent No.2 to decide the mercy petition (Annexure P-4) filed by the petitioner within a period of 3 months from the date of the receipt of the certified copy of this order.

Disposed off.

**(G.S. SANDHAWALIA)
JUDGE**

NOVEMBER 11, 2020
sailesh

Whether speaking/reasoned:

Yes/No

Whether Reportable:

Yes/No