

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

CWP-182-2021

Date of Decision: 27.01.2021.

Gurbax Singh

...Petitioner

Versus

State of Punjab and others

....Respondents

CORAM: HON'BLE MR JUSTICE ARUN MONGA

Present : Mr. Vipin Mahajan, Advocate,
for the petitioner.

Ms. Ambika Bedi, AAG, Punjab.

(Presence marked through video conference).

ARUN MONGA, J. (ORAL)

Petition herein is under Article 226 of the Constitution of India *inter alia* seeking issuance of a writ in the nature of mandamus directing the respondents to take decision on his pending appeal dated 19.05.2020 against the orders of dismissal passed by respondent No.3, in the light of judgment of acquittal dated 05.04.2019 (Annexure P-13) passed by Learned Judicial Magistrate Ist Class, Gurdaspur.

2. Learned counsel for the petitioner submits that after his acquittal, petitioner submitted a representation dated 19.08.2019 (Annexure P-14) followed by a reminder dated 21.12.2019 (Annexure P-15) to respondent No.3 for his reinstatement in service. However, respondent No.3 passed one line order dated 03.01.2020 (Annexure P-16) directing the petitioner to approach the competent authority. Thereafter, petitioner filed an appeal dated 19.05.2020 before respondent No.1. But respondent No.1 instead sent a letter dated 10.08.2020 to respondent No.3 saying that respondent No.3 is the competent authority qua the post of Patwari.

Appropriate decision, therefore, ought to be passed by respondent no.3 after taking into consideration the acquittal of petitioner in criminal case. Yet no decision has been taken till and petitioner is running from pillar to post for the last 9 months. Hence, the instant petition.

3. Notice of motion.

4. Ms. Ambika Bedi, AAG, Punjab who has joined proceedings on service of advance copy of the petition accepts notice on behalf of the respondent-State of Punjab.

5. Given that the petitioner continues to be out of job, a final decision needs to be taken either way, on his pending appeal.

6. In the premise, without commenting on the merits of the case, the instant petition is disposed of with a direction to the competent authority/appellate authority to decide the pending appeal, as expeditiously as possible, but not later than 3 months from today.

7. Needless to say that necessary precautions would be taken in accordance with medical protocol being observed during the pandemic. The Appellate Authority is at liberty to conduct the hearing through video conferencing in case, it is so desirable.

January 27, 2021
vandana

(ARUN MONGA)
JUDGE

Whether speaking/reasoned: Yes/No
Whether reportable: Yes/No