

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

**CWP-3888-2021(O&M)
Date of decision : 19.02.2021**

HC/PP Balbir Singh

... Petitioner(s)

Versus

State of Punjab and others

... Respondent(s)

CORAM: HON'BLE MRS. JUSTICE ALKA SARIN

Present: Mr. Amit Chaudhary, Advocate for the petitioner.

ALKA SARIN, J. (ORAL)

Heard through video conferencing.

The present Civil Writ Petition has been filed under Articles 226/227 of the Constitution of India for issuance of a writ in the nature of *mandamus* directing respondent No.2 to decide the appeal dated 01.07.2020 (Annexure P-2) filed by the petitioner against the dismissal order dated 18.02.2020 (Annexure P-1).

Learned counsel for the petitioner would contend that the petitioner had been dismissed from service. Against the dismissal order dated 18.02.2020 (Annexure P-1), he has preferred an appeal dated 01.07.2020 (Annexure P-2). However, till date, the said appeal has not been taken up for hearing. The counsel for the petitioner would further contend that he limits his prayer in the present petition and would be satisfied if a direction is issued to respondent No.2 to decide the appeal in a time-bound manner.

Notice of motion.

On the asking of the Court, Ms. Monica Chhibber Sharma, Sr. DAG, Punjab has put in appearance through video conferencing and accepts notice on behalf of the respondents-State.

Heard learned counsel for the parties.

The document Annexure P-2 is referred to as an appeal by counsel for the petitioner in the civil writ petition as well as during arguments. However, a perusal thereof shows that it is only a representation for reinstatement and not an appeal. The Punjab Police Rules, 1934 lay down the procedure for filing an appeal which inter-alia provides that it has to be in English, has to be accompanied by the order impugned and has to be filed within a month of the date of the original order, exclusive of the time taken to obtain a copy of the order or record. The document Annexure P-2, ex-facie, does not appear to be in compliance of these requirements and cannot be construed as an appeal.

However, in view of the limited prayer made by learned counsel for the petitioner and without commenting upon the merits of the case, the present writ petition is disposed off with a direction to respondent No.2 to take a decision on the representation dated 01.07.2020 (Annexure P-2) filed by the petitioner in accordance with law within a period of three months from the date of receipt of certified copy of this order.

Disposed off.

19.02.2021
Yogesh Sharma

(ALKA SARIN)
JUDGE

NOTE: Whether speaking/non-speaking: Speaking
Whether reportable: YES/NO