

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

**CWP-3967-2021(O&M)
Date of Decision:04.03.2021**

ASI Balbir Singh

..... Petitioner

versus

State of Haryana and others

..... Respondents

**CORAM : HON'BLE MR. JUSTICE TEJINDER SINGH DHINDSA

Present: Mr. S.S.Sahu, Advocate for the petitioner.

TEJINDER SINGH DHINDSA, J. (ORAL)

This case has been taken up through Video Conferencing via Webex facility in the light of Pandemic Covid-19 situation and as per instructions.

Pleadings on record indicate that vide order dated 20.03.2014 passed by the Superintendent of Police, Railways, Ambala Cantt, Haryana at Annexure P-1 penalty of stoppage of three annual increments permanently was imposed upon the petitioner while he was serving on the post of ASI. The statutory appeal preferred by the petitioner against the order of penalty was dismissed by the Appellate Authority on 11.07.2014 (Annexure P-2). Petitioner thereafter even preferred a revision petition which was dismissed on 13.04.2015 by the Director General of Police, Haryana (Annexure P-3).

Instant writ petition has been filed seeking a mandamus directing the 1st respondent i.e. the Additional Chief Secretary-cum-

Commissioner, Home Department, State of Haryana to decide a mercy petition filed on 29.02.2016 (Annexure P-4).

Counsel has been heard at length.

On the face of it the prayer raised in the petition appears to be rather innocuous. On the previous date of hearing i.e. 19.02.2021 the matter had been adjourned to today to enable the counsel to advert to the statutory provision under which the mercy petition at Annexure P-4 had been filed.

Counsel concedes that there is no statutory provision on the strength of which the mercy petition has been filed.,

In the considered view of this Court the prayer in the instant petition for the mercy petition at Annexure P-4 to be decided is only a ploy and attempt to cover up delay.

The major penalty of stoppage of three annual increments had been imposed vide order dated 20.03.2014 (Annexure P-1). Petitioner against such order had the statutory remedy of appeal as also revision. He has availed of such remedies. The orders passed by the Appellate Authority as also Revisional Authority are dated 11.07.2014 and 13.04.2015 respectively.

Petitioner now wants issuance of directions for respondent No.1 to take a decision on a mercy petition filed on 29.02.2016 only to cover up delay and for a fresh cause of action to accrue to him.

This Court is not inclined to accept such prayer. Counsel has himself conceded that the mercy petition was not towards availing any remedy provided under the rules/statute. Accepting such a prayer as raised in the instant petition would result in a situation where there can be no

finality of proceedings.

There is no merit in the petition.

Dismissed.

(TEJINDER SINGH DHINDSA)
JUDGE

04.03. 2021
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Whether speaking/reasoned	Yes/No
Whether Reportable	Yes/No