

CWP-18845-2021

Date of Decision : 03.11.2021

YOGESH

...Petitioner

Versus

STATE OF HARYANA AND OTHERS

....Respondents

Coram : Hon'ble Mr. Justice B.S. Walia

Present : Mr. Aditya Yadav, Advocate for the petitioner.

B.S. Walia, J. (Oral)

1. Prayer in the petition under Articles 226/227 of the Constitution of India is for issuance of a writ, order or direction especially in the nature of certiorari for quashing departmental inquiry Annexure P-6 dated 27.10.2013, impugned punishment order Annexure P-8 dated 24.11.2016 imposing punishment of withholding of ten increments with cumulative effect as also order Annexure P-10 dated 12.01.2017 and Annexure P-12 dated 22.02.2017 dismissing the appeal as well as revision filed by the petitioner.

2. Learned counsel contends that the petitioner has filed mercy appeal Annexure P-14 under Rule 16.32 of Punjab Police Rules 1934 on 12.09.2019 which is pending before respondent No.1 but no decision has been taken on the same till date therefore, the petitioner would be satisfied if the writ petition is disposed of by directing respondent No.1 to consider and decide the mercy appeal Annexure P-14 dated 12.09.2019 in accordance with the parameters stipulated under Rule 16.32 of Punjab Police Rules 1934 .

3. Notice of motion.

4. Mr. Narinder Singh Behgal, AAG, Haryana accepts notice on behalf of respondents and states that in view of the written statement the mercy appeal is pending decision and the petitioner can await the decision of the mercy appeal but that he has no objection to the limited prayer made by learned counsel for the petitioner for issuance of directions to respondent No.1 to decide the mercy appeal Annexure P-14 dated 12.09.2019.

5. Accordingly, in view of the statement of learned counsel for the parties but without commenting upon the merits of the case, the writ petition is disposed of by directing respondent No.1 to consider and decide the mercy appeal Annexure P/14 dated 12.09.2019 in accordance with the parameters stipulated under Rule 16.32 of Punjab Police Rules 1934 after taking into account all aspects of the matter within three months from the date of receipt of certified copy of the order.

6. Petition disposed of with the aforementioned directions.

(B.S. Walia)
Judge

03.11.2021

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<i>Whether speaking/ reasoned</i>	:	<i>Yes/No</i>
<i>Whether reportable</i>	:	<i>Yes/No</i>