

115.

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

CWP-11611-2022

Date of Decision: 26.05.2022

BALJEET SINGH

.... Petitioner

Versus

STATE OF HARYANA AND OTHERS

.... Respondents

CORAM: HON'BLE MS. JUSTICE JAISHREE THAKUR

Present: Mr. Sanchit Punia, Advocate,
for the petitioner.

JAISHREE THAKUR.J (Oral)

The petitioner herein is seeking a writ in the nature of Mandamus directing the respondents to decide his appeal-cum-revision dated 07.08.2019 (Annexure P-7) and to quash order dated 08.01.2014 (Annexure P-2) whereby he has been dismissed from service besides order dated 11.06.2019 (Annexure P-6) whereby his appeal was rejected.

Briefly stated, the petitioner was deputed for command duty to produce under-trial accused Naveen Kumar from District Jail, Jind to the Court at Panchkula and for this purpose, on 10.02.2013, he was issued one carbine along with 15 cartridges and one magazine. After producing the accused in the Court, he went to his home along with the arms and ammunition. On 16.02.2013, while returning on duty in a bus, he missed his bag containing the said items. He informed that incident to his officers. In this regard, an FIR No.96, dated 21.04.2013, under Section 409 IPC and

Section 25(1-AA) of the Arms Act, was lodged against him and simultaneously, a departmental enquiry was also conducted and he was dismissed from service on 08.01.2014. In the FIR, he was convicted by the trial Court vide judgment dated 08.09.2017. However, in appeal, he was acquitted of the charges levelled against him vide judgment dated 12.09.2018. Against the dismissal order, he preferred an appeal, which was dismissed vide order dated 11.06.2019 (Annexure P-6). Feeling aggrieved, he preferred an appeal-cum-revision dated 07.08.2019 (Annexure P-7), but till date, the same has not been responded to.

Counsel appearing on behalf of the petitioner would submit that the petitioner would be satisfied in case his appeal-cum-revision dated 07.08.2019 (Annexure P-7) be decided in a time bound manner.

Notice of motion.

At this stage, Ms. Kirti Singh, DAG, Haryana, who is present in Court, accepts notice on behalf of the respondents and would submit that the respondents will look into the matter and will take a decision on the appeal-cum-revision of the petitioner.

Let sufficient number of copies of the complete paper book be supplied to her during the course of day.

Without commenting on merits of the case, the present petition is disposed of with a direction to the respondents to decide appeal-cum-revision dated 07.08.2019 (Annexure P-7) of the petitioner considering the fact that the petitioner has been acquitted in the FIR, within a period of two months, from the date of receipt of certified copy of this order, in accordance with law and order so passed be conveyed to the petitioner. In case of failure

to do so, the officer responsible for the lapse would be liable to costs of Rs.20,000/- from his personal pocket, to be deposited with the Punjab and Haryana High Court Advocates Welfare Fund.

26.05.2022

sanjeev

**(JAISHREE THAKUR)
JUDGE**

Whether speaking/reasoned:	Yes/No
Whether Reportable:	Yes/No