

115.

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

CWP-12327-2022

Date of Decision: 04.08.2022

RAMDEV PANDIT

.... Petitioner

Versus

STATE OF PUNJAB AND OTHERS

.... Respondents

CORAM: HON'BLE MS. JUSTICE JAISHREE THAKUR

Present:- Mr. Vivek Sharma, 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 which is pending consideration before the Additional Director General of Police, Punjab, Home Guards & Civil Defence, Chandigarh, whereby he has requested to recall the order dated 21.01.2019 (Annexure P-5) dismissing him from service.

The brief facts of the case are that the petitioner was appointed as Home Guard on 23.06.1992. However, in the year 2007, he was implicated in an FIR under the Excise Act, in which he was convicted and thereafter, in the year 2009 also, he was convicted in another FIR under the Excise Act. Again in the year 2017, another FIR was lodged against him

under the Excise Act. However, in the said FIR, he was acquitted vide order dated 11.12.2018. After 15 days, another FIR, under the Excise Act, was lodged against him on 23.08.2017, in which also, he was acquitted on 21.02.2019. The grievance of the petitioner is that before conclusion of the trial and without giving him an opportunity of hearing, respondent No.3 has issued an order of his dismissal from service on 21.01.2019. Against the said order of dismissal, he filed an appeal dated 06.04.2019 (Annexure P-6) before respondent No.2, on which appeal, till date, no action has been taken.

Counsel for the petitioner would submit that at this stage, the petitioner would be satisfied in case his appeal is decided, in accordance with law, in a time bound manner.

Notice of motion.

At this stage, Mr. Pawan Sharda, Senior DAG, Punjab, who is present in Court, accepts notice on behalf of the respondents and submits that the respondents will look into the matter and will take a decision on the appeal of the petitioner.

Let sufficient number of copies of the complete paper book be supplied to him 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 dated 06.04.2019 (Annexure P-6) of the petitioner, within a period of three months from the date of receipt of certified copy of this order, in accordance with law and convey the decision 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.

(JAISHREE THAKUR)
JUDGE

04.08.2022

sanjeev

Whether speaking/reasoned: Yes/No

Whether Reportable: Yes/No