

123.

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

CWP-16317-2022

Date of Decision: 28.07.2022

MAHENDER SINGH

.... Petitioner

Versus

STATE OF HARYANA AND OTHERS

.... Respondents

CORAM: HON'BLE MS. JUSTICE JAISHREE THAKUR

Present:- Mr. S.K Malik, Advocate, for the petitioner.

JAISHREE THAKUR.J (Oral)

The petitioner herein is seeking a writ in the nature of Mandamus directing respondent No.3 to decide his appeal dated 21.02.2013 (Annexure P-5) or legal notice dated 16.12.2021 (Annexure P-8).

It is submitted that the petitioner joined the Haryana Police as Constable on 10.07.1992. In the year, 2011, he was implicated in an FIR (bearing No.201, dated 15.06.2011, under Sections 363A, 376G, 506, 120-B IPC, Police Station City Bahadurgarh) and accordingly, the Superintendent of Police, Jhajjar dismissed him from service. In appeal before the Inspector General of Police, Rohtak Range, Rohtak, he was ordered to be reinstated in service, however, his dismissal period was ordered to be treated as “no work, no pay”. In FIR, he was acquitted by the trial Court and the department also exonerated him from the charge and his departmental enquiry was filed vide order dated 19.01.2013. Against his dismissal period which was ordered to be treated as “no work, no pay”, he filed an appeal before the Director General of Police, Haryana on 21.02.2013. But when it was not decided for 8

years, he served a legal notice on 16.12.2021, which has also not been responded to yet.

At this stage, counsel for the petitioner would submit that the petitioner would be satisfied in case his appeal-cum-mercy petition Annexure P-5 be decided, in accordance with law, 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 submits that the respondents will look into the matter and will take a decision on the appeal-cum-mercy petition 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 respondents to decide appeal-cum-mercy petition dated 21.02.2013 (Annexure P-5) 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

28.07.2022

sanjeev

Whether speaking/reasoned: Yes/No

Whether Reportable: Yes/No