

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

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CWP-16742-2022

Date of Decision :01.08.2022

Khubi Ram**...Petitioner**

Versus

State of Haryana and others**...Respondents****CORAM: HON'BLE MR. JUSTICE HARSIMRAN SINGH SETHI**

Present: Mr. Sandeep Thakan, Advocate for the petitioner.

Harsimran Singh Sethi, J. (Oral)

Learned counsel for the petitioner argues that the petitioner had rendered more than 27 years of service with the respondent-department on the date, when order removing him from service was passed by the respondents. Learned counsel for the petitioner submits that 27 years of service was not kept in mind by the respondents while passing impugned order dated 03.03.2010 (Annexure P/1), which fact itself makes the impugned order arbitrary and illegal.

Learned counsel for the petitioner further submits that as per the settled principle of law settled by the Hon'ble Supreme Court of India in **Civil Appeal No.8064-2015** titled as **Rajinder Kumar vs. State of Haryana and another** decided on 30.09.2015, lesser punishment could have been imposed upon the petitioner taking into account the length of service rendered by the petitioner so as to not deny him pensionary benefits.

Learned counsel for the petitioner submits that the petitioner

has already raised the said grievance before the respondents by way of serving a legal notice dated 03.06.2022 (Annexure P/9) upon them, which is still pending consideration with the respondents and the petitioner will be satisfied in case a time bound direction is issued to the respondent No.2 to decide the said legal notice.

Notice of motion.

Mr. Harish Kumar Nain, AAG, Haryana, who is present in the Court, accepts notice on behalf of respondent-State and raises no objection in deciding the legal notice dated 03.06.2022 (Annexure P/9) in a time bound manner by passing an appropriate speaking order.

In view of the request made, without expressing any opinion on the merits of the case or the claim being made by the petitioner in his legal notice, respondent No.2 is directed to decide the legal notice dated 03.06.2022 (Annexure P/9) by passing a speaking order within a period of eight weeks from the date of receipt of copy of this order.

Present writ petition stands disposed of.

August 01, 2022
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(HARSIMRAN SINGH SETHI)
JUDGE

Whether speaking/reasoned : Yes/No
Whether reportable : Yes/No