

114.

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

CWP-24484-2022

Date of Decision: 21.10.2022

HARIKISHAN AND ANOTHER

.... Petitioners

Versus

STATE OF HARYANA AND OTHERS

.... Respondents

CORAM: HON'BLE MS. JUSTICE JAISHREE THAKUR

Present:- Mr. Kamal Kant, Advocate,
for the petitioners.

JAISHREE THAKUR.J (Oral)

The instant writ petition has been filed under Article 226/227 of the Constitution of India seeking a writ, order or direction especially a writ in the nature of mandamus directing the respondents to consider and decide the claim of the petitioners, as per representations made on 16.08.2022, Annexures P-5 and P-6, seeking reinstatement in service.

Counsel appearing on behalf of the petitioners would contend that both the petitioners serving in the Haryana Police were nominated as accused in FIR No.124, dated 01.09.2019, under Sections 120-B, 328, 342, 354A(1)(i), 354D(1)(ii), 365, 376D, 506 of IPC and Sections 6 & 8 of POCSO Act, 2012 and on account of said FIR, they were dismissed from service. It is submitted that the petitioners herein underwent the trial and have been acquitted on the ground that the prosecution has failed to substantiate the allegations. On acquittal, the petitioners have moved

appropriate representations dated 16.08.2022 for reinstatement in service, but till date, no decision has been taken thereon so far. Counsel would submit that at this stage, the petitioners would be satisfied in case their representations are decided, in accordance with law, in a time bound manner.

Notice of motion.

On the asking of the Court, Ms. Kirti Singh, DAG, Haryana, accepts notice on behalf of the respondents and submits that the respondents will look into the matter and will take a decision on the representations of the petitioners.

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 respondent No.2 to decide representations dated 16.08.2022, Annexures P-5 and P-6, of the petitioners, within a period of two months from the date of receipt of certified copy of this order, in accordance with law and convey the decision to the petitioners. 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

21.10.2022

sanjeev

Whether speaking/reasoned: Yes/No

Whether Reportable: Yes/No