

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

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CWP-3981-2023
Date of Decision: 02.03.2023

KRISHAN KUMAR

... Petitioner

VERSUS

STATE OF HARYANA AND OTHERS

... Respondents

CORAM: HON'BLE MR. JUSTICE VINOD S. BHARDWAJ.

Present: Mr. Pankaj Mehta, Advocate
for the petitioner.

Mr. Zorawar Singh Chauhan, DAG, Haryana.

VINOD S. BHARDWAJ, J. (ORAL)

The present writ petition has been filed under Articles 226/227 of the Constitution of India, 1950 seeking issuance of a writ in the nature of Mandamus directing the respondents to consider and decide the legal notice dated 21.12.2022 (Annexure P-1) and pass speaking order thereupon.

Learned counsel for the petitioner contends that the respondent No.4 got a fake experience certificate in order to secure the job of ITI Welder (Instructor) in Narnaul, District Mahendergarh in 1992. Even the behaviour of respondent No.4 was not up to the mark with the students as well as the colleagues. He used to harass women and girls. On account of his misbehavior and misconduct, he was transferred from Narnaul ITI to Nalwa ITI, however, there was no change in his behaviour. Not only this, he even tried to commit rape upon a Class-IV employee, who was a widow belonging to reserved category. Thereafter, he was transferred to ITI Adampur, but still, there was no change in his behaviour. Subsequently also, he was transferred to ITI Sindora (Ambala). Finally, the respondent No.4 got voluntary retirement. It is further submitted that the act of forging a fake experience certificate is an offence punishable under Sections 420, 467, 468 and 471 of the Indian Penal Code, 1860 and the department was duty bound to conduct an inquiry against respondent No.4, but the department did not take any action. The petitioner

also submitted a representation dated 28.10.2021 to the official respondent, but nothing had been done. Finally, the petitioner sent a legal notice dated 21.12.2022 (Annexure P-1), however, no action has been taken thereupon.

Notice of motion.

Mr. Zorawar Singh Chauhan, DAG, Haryana, who is present in Court, accepts notice and prays for some time to complete instructions and file reply, if necessary.

Learned counsel for the petitioner, however submits that at this juncture, he would be satisfied, if the respondent No.2 is directed to consider and decide the legal notice dated 21.12.2022 (Annexure P-1) by passing a speaking order in a time bound manner.

Learned State Counsel does not oppose the same.

Accordingly, in view of the above, with the consent of the parties and without commenting on the merits of the case, the present petition is disposed of with a direction to respondent No.2 to consider and decide the legal notice dated 21.12.2022 (Annexure P-1) after affording an effective opportunity of hearing to the respective parties, in a time bound manner and preferably within a period of two months from the date of receipt of certificate copy of this order.

Petition stands disposed of accordingly.

02.03.2023

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(VINOD S. BHARDWAJ)
JUDGE

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No