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

CWP No.7315 of 2023(O&M)

Date of Decision: 13.04.2023

Narender Singh

-Petitioner

Versus

State of Haryana and others

-Respondents

CORAM: HON'BLE MR. JUSTICE RAJ MOHAN SINGH

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

RAJ MOHAN SINGH, J. (Oral)

Learned counsel for the petitioner contends that the Annual Confidential Report of the petitioner for the period 26.04.2018 to 20.11.2018 was adversely commented upon on the basis of registration of FIR No.12 dated 24.08.2018 under Section 7 of the PC Act and Sections 201, 120-B of IPC at Police Station SVB, Faridabad. The petitioner was acquitted in the criminal case and in the departmental enquiry on the same allegations, the findings of innocence were recorded by the Enquiry Officer. The findings of the Enquiry Officer were accepted by the competent authority/Superintendent of Police, Palwal and the suspension period from 24.08.2018 to 07.11.2018 was treated to be the duty period for all intents and purposes. The mercy appeal against the order dated 18.01.2023 passed by the Additional Director General of Police,

South Range, Rewari against adverse remarks is pending before the Director General of Police.

At this stage, learned counsel for the petitioner submits that the petitioner would be satisfied in case, a direction is issued to the respondent No.2 to take note of the pending mercy appeal and pass appropriate order in accordance with law within a specified period.

Notice of motion.

Mr. Tapan Kumar Yadav, DAG, Haryana appears on the basis of advance notice and submits that the mercy appeal is not maintainable before the respondent No.2.

In view of above, learned counsel for the petitioner submits that the petitioner would file a fresh mercy appeal before the respondent No.1 and this writ petition be disposed of with a liberty to approach the respondent No.1 and in the event of doing so, the respondent No.1 be directed to pass appropriate order in accordance with law within a period of one month from the date of receipt of fresh mercy appeal of the petitioner.

Ordered accordingly.

13.04.2023
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(RAJ MOHAN SINGH)
JUDGE

1. Whether speaking/reasoned : Yes/No
2. Whether reportable : Yes/No