

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

CWP-8064-2023

Date of decision : 20.04.2023

Sanjay Kumar

...Petitioner

Vs.

Union of India and others

...Respondents

CORAM:- HON'BLE MR. JUSTICE MANOJ BAJAJ

Present: Mr. Daljit Singh, Advocate for the petitioner.

MANOJ BAJAJ, J.

By means of this writ petition filed under Article 226 Constitution of India petitioner has prayed for issuance of a writ in the nature of mandamus directing the respondent authority to allow him to join the service in the Indo Tibetan Border Police Force on the post of Constable.

Learned counsel has argued that the petitioner joined the Indo Tibetan Border Police Force as Constable on 15.04.1996 and having rendered services for a period of 17 years, he was dismissed from service vide order dated 11.05.2013. He submits that the petitioner was never given an opportunity of hearing before passing the extreme order of dismissal from service and he was not even aware of this decision as because of his health reasons, he decided to go home on sanctioned leave in the month of June, 2012 for a period of one month, who after expiry of his leave period kept on informing the department about his poor health conditions. Learned counsel submits that in the given facts, the action of the respondents is bad, therefore, he prays that writ of mandamus be issued directing the respondents to take

back the petitioner in service.

After hearing learned counsel and considering his submission, this Court finds that concededly, petitioner was dismissed from service vide order dated 11.05.2013, but neither the said order has been placed on record nor it has been challenged. Apart from it, there is no request sent to the respondent by petitioner much less requesting them to take him back in service, therefore, the writ of mandamus alone in the absence of any demand would not be maintainable.

During the course of hearing, it is not disputed by learned counsel that after dismissal from service, the petitioner did not receive his salary, therefore, the stand that he was not aware of his dismissal from service is not worth acceptance.

Resultantly, this Court is not inclined to exercise the extra ordinary writ jurisdiction under Article 226 Constitution of India.

Petition is dismissed.

(MANOJ BAJAJ)
JUDGE

20.04.2023
vanita

Whether speaking/reasoned :	Yes	No
Whether Reportable :	Yes	No