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

CWP-20644-2023

Date of decision: 19.09.2023

Isham Singh

...Petitioner

Versus

State of Haryana and others

...Respondents

CORAM: HON'BLE MR. JUSTICE VIKAS BAHL

Present: Mr. Aditya Yadav, Advocate for the petitioner.

Ms. Rajni Gupta, Addl. A.G., Haryana, for the respondents.

VIKAS BAHL, J. (ORAL)

1. This is a Civil Writ Petition filed under Articles 226/227 of the Constitution of India for issuance of a writ, order or direction especially in the nature of certiorari for quashing of order dated 03.06.2021 (Annexure P-4) passed by respondent No.4 vide which the petitioner was ordered to be compulsorily retired on account of the fact that FIR No.129 dated 22.03.2019 was registered against the petitioner under Sections 304-B, 201, 316, 34 of Indian Penal Code, 1860 at Police Station Pundri, District Kaithal.

2. Learned counsel for the petitioner has submitted that the petitioner has been acquitted in the FIR vide judgment dated 10.10.2022 (Annexure P-5) passed by the Additional Sessions Judge, Special Court, Kaithal and has also been exonerated in the departmental proceedings vide order dated 23.05.2023 (Annexure P-6) and has further submitted that the said change of facts and circumstances have been brought to the notice of the competent authority vide a detailed representation dated 13.06.2023 (Annexure

P-7) and has submitted that the petitioner would be satisfied at this stage, in case, the competent authority takes a decision on the said representation dated 13.06.2023 (Annexure P-7) in a time bound manner and in case, the pleas raised by the petitioner are found to be meritorious then to grant necessary relief in accordance with law.

3. Learned State Counsel has submitted that the competent authority would consider the said representation dated 13.06.2023 (Annexure P-7) in accordance with law, as expeditiously as possible, preferably within a period of eight weeks from the date of the receipt of certified copy of the present order.

4. Keeping in view the abovesaid facts and circumstances, the present Civil Writ Petition is disposed of with a direction to the competent authority to consider the representation dated 13.06.2023 (Annexure P-7) in accordance with law within a period of eight weeks from the date of the receipt of certified copy of the present order and in case, the pleas raised by the petitioner are found to be meritorious then the competent authority would grant necessary relief, in accordance with law and in case, the competent authority is of the opinion that the pleas raised by the petitioner are not meritorious then a speaking order rejecting the same be passed within a period of eight weeks from the date of the receipt of certified copy of the present order.

5. This Court has not opined on the merits of the case and the competent authority would consider the case of the petitioner independently and in accordance with law.

19.09.2023

Pawan

**(VIKAS BAHL)
JUDGE**

Whether speaking/reasoned:- Yes/No

Whether reportable:- Yes/No