

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

115

CWP-28229-2023

Date of decision: 19.12.2023

BHUPINDER SINGH

.....Petitioner

VERSUS

PUNJAB STATE POWER CORPORATION LTD AND ORS

.....Respondents

CORAM: HON'BLE MR. JUSTICE DEEPAK MANCHANDA

Present: Mr. Jugam Arora, Advocate for
Mr. R.K. Arora, Advocate
for the petitioner.

DEEPAK MANCHANDA J. (ORAL)

The instant petition has been filed under Article 226/227 of the Constitution of India for issuance of a writ in the nature of mandamus, directing the respondents to consider and grant the claim of the petitioner for grant of compassionate pension in view of Rule 2.5 of the Punjab Civil Services Rules, Vol II by taking into consideration total length of service of about 30 years and also the fact that the petitioner has no source of sustenance and living in penury and further on the basis of subsequent events/modification of sentence etc., which was not considered while imposing punishment of dismissal and direct the respondents to consider and finalize the pending claim of the petitioner as claimed by him in his representation dated 12.07.2021 (Annexure P-9) followed by notice dated 16.08.2021(Annexure P-10) and demand notice dated 02.01.2022 (Annexure P-12).

Learned counsel for the petitioner contends that the petitioner had joined the service as Assistant Lineman on 14.03.1985. He was promoted as Line

man on 31.12.2002 and his age of superannuation was 31.08.2013. While in service, the petitioner had purchased land in the Cholta Khurd, Tehsil Kharar, District Mohali, subsequently, an FIR No.130 dated 16.11.1993 under Sections 420, 467, 471, 120-B IPC at Police Station Kharar, District Mohali registered against the petitioner. Vide judgment dated 07.03.2001 passed by Judicial Magistrate, the petitioner was convicted and on account of conviction, the petitioner was dismissed from service in total violation of principle of natural justice vide order dated 26.09.2005 (Anneuxre P-2) passed by respondent No.3- Deputy Chief Engineer, Operation Circle, (Special), Punjab Corporation Limited, Mohali. Thereafter, petitioner had challenged the dismissal order in CWP No.18760 of 2005 and vide order dated 05.12.2005, this Court had stayed the dismissal order. Vide order dated 30.12.2005, the petitioner was reinstated in service. The petition filed by the petitioner against the dismissal order was dismissed by this Court vide judgment dated 14.11.2007. In compliance of the judgment dated 14.11.2007, the petitioner was ordered to be relieved from service vide letter dated 16.01.2008 (Annexure P-5) by respondent No.3. Learned counsel submits that petitioner has served a legal notice dated 02.01.2022 (Annexure P-12) to the respondents, which has not been taken into consideration till date and the petitioner would be satisfied if necessary directions are given for deciding the legal notice in a time bound manner.

Notice of motion.

On asking of the Court, Ms. Harpriya Khaneka, Advocate, who is present in the Court, accepts notice on behalf of the respondents and submits that the respondent No.2 is the competent authority to take final decision. She does not object to the prayer made by learned counsel for the petitioner.

In view of the pleadings in the present petition, without expressing any opinion on the merits of the case or the claim being made by the petitioner in

the legal notice dated 02.01.2022 (Annexure P-12), respondent No.2 is directed to decide the legal notice, by passing a speaking order within a period of 8 weeks from the date of receipt of certified copy of this order with a further direction that if the petitioner is found to be entitled to the claim mentioned in the abovesaid legal notice, necessary disbursement of funds shall be made to him within a period of 8 weeks thereafter.

The petition stands disposed of.

December 19, 2023
Nisha-II

(DEEPAK MANCHANDA)
JUDGE

<i>Whether speaking/reasoned</i>	<i>Yes/No</i>
<i>Whether reportable</i>	<i>Yes/No</i>