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

CWP-4029-2021
Date of decision: 20.01.2024

Raj Kumar

...Petitioner

Versus

State of Haryana and others

...Respondents

CORAM: HON'BLE MR. JUSTICE VIKAS BAHL

Present: Mr. Sushil Kumar Sharma, Advocate for the petitioner.
Mr. Amandeep Joshi, DAG, Haryana.

VIKAS BAHL, J. (ORAL)

1. This is a Civil Writ Petition 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 the representation dated 13.07.2020 (Annexure P-4) filed by the petitioner before respondent No.2.
2. Learned State counsel has submitted that in the present case, the petitioner had worked in the department of Home Guard only till 31.03.2016 and thereafter, was absent for a long period of more than two years. It is further submitted that with respect to the termination/discharge in question, the petitioner has approached this Court after a delay of five years. It is further submitted that the order of discharge/termination had to be challenged under Rule 25(4) of the Haryana Home Guard Rules, 1980 within a period of thirty days.

3. Learned counsel for the petitioner, in rebuttal, has submitted that the petitioner is not making any challenge to his discharge/termination and has submitted that he may be granted permission to file a representation with a prayer for fresh appointment/re-enlisting and prays that the competent authority of respondent No.1-State be directed to consider the said representation on the limited aspect of fresh appointment/re-enlisting in accordance with law in a time bound manner.

4. Learned State Counsel has submitted that in case any such representation on the abovesaid limited point of fresh appointment/re-enlisting is made then the same would be considered by the competent authority of respondent No.1-State within a period of eight weeks from the date of receipt of said representation.

5. Keeping in view the abovesaid facts and circumstances, the present Civil Writ Petition is disposed of with a direction to the competent authority of respondent No.1-State to consider the abovesaid representation in accordance with law within a period of eight weeks from the date of receipt of the said representation.

6. This Court has not opined on the merits of all the controversy and it would be open to the competent authority of respondent No.1-State to consider and decide the abovesaid representation independently, in accordance with law.

20.01.2024*Pawan***(VIKAS BAHL)
JUDGE****Whether speaking/reasoned:- Yes/No****Whether reportable:- Yes/No**