

2024:PHHC:020296

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

125

CWP-3123-2024 (O&M)

Date of decision: 13.02.2024

Gurpal Singh

..Petitioner

Versus

State of Punjab and others

..Respondents

CORAM: HON'BLE MR. JUSTICE AMAN CHAUDHARY

Present: Mr. Ishan Gupta, Advocate for the petitioner.

AMAN CHAUDHARY J.

1. The prayer in the present Civil Writ Petition under Articles 226/227 of the Constitution of India, is to issue a writ in the nature of mandamus directing the respondents to recall the impugned termination order dated 13.11.2017 (Annexure P2).

2. Learned counsel would contend that the basis of the services of petitioner being terminated was the conviction in a criminal case registered under Sections 406 and 498-A IPC, wherein though he was convicted by the trial Court vide judgment dated 29.07.2016 but in appeal, was released on probation vide judgment dated 18.11.2021 (Annexure P3). No departmental proceedings have been initiated. Subsequently, he has also been granted divorce by way of mutual consent vide judgment dated 02.03.2023. He was thus entitled to be reinstated in service as per the judgments in **Balkar Singh Nagra vs. State of Punjab, CWP-9748-1997** and **Pradeep Kumar vs. State of Haryana, CRR-2464-2017**.

In this regard, a legal notice dated 30.01.2024 (Annexure P-4), has been served upon the respondents, which has not yet evoked any response. He thus, at this stage, on instructions, submits that the petitioner is sanguine of it being considered in a positive manner, in case, a direction is given to the respondents to decide the

same in a time bound manner by granting him an opportunity of hearing.

3. Notice of motion.

4. At the asking of the Court, Mr. Gagneshwar Walia, Addl. AG, Punjab accepts notice on behalf of the respondent-State and has no objection to the limited prayer made.

5. In view of the aforesaid and without commenting upon the merits of the case, this petition is hereby disposed of with a direction to respondents to consider the legal notice dated 30.01.2024, Annexure P-4 and decide the same, taking note of the judgments referred to, by the petitioner, within a period of 3 months and if found entitled, necessary benefit be granted forthwith. However, in the eventuality of the relief being denied, a speaking order be passed, after associating the petitioner.

13.02.2024

ashok

**(AMAN CHAUDHARY)
JUDGE**

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No