

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

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CWP-4210-2017

Date of decision: 05.03.2024

Rajinder Singh @ Fouji

...Petitioner

Versus

State of Punjab and another

....Respondents

CORAM: HON'BLE MR. JUSTICE NAMIT KUMAR

Present: Mohd. Salim, Advocate for the petitioner.

Mr. Teevar Sharma, AAG, Punjab.

Mr. Anupam Singla, Advocate for respondent No.2.

NAMIT KUMAR J. (Oral)

1. The challenge in the instant writ petition filed under Articles 226/227 of the Constitution of India is to the order dated 18.06.2015 (Annexure P-1), whereby the petitioner was issued three months notice for premature retirement on the allegation that he was caught and arrested with the possession of 140 kgs. of poppy husk on 18.10.2013. The said allegations were on the basis of registration of FIR No.322 dated 18.10.2013, under Section 15 of the NDPS Act, registered at Police Station City Sangrur.

2. Learned counsel for the petitioner submits that the petitioner has already been acquitted in the said case vide judgment dated 27.07.2016 (Annexure P-2) passed by the Special Court, Sangrur. The concluding portion from the said judgment reads thus :-

“33. As a sequel to my discussion above, it is held that the prosecution has not been able to bring home the

guilt of the accused, beyond shadow of reasonable doubt, regarding recovery of 140 kgs of poppy husk from their possession on 18.10.2013. Accordingly, all the accused are acquitted of the charge framed against them by giving benefit of doubt.

34. Case property be disposed of after the period of appeal or revision.

35. File be consigned to the Record Room after due compilation. Announced in open Court on 27.07.2016.”

3. Learned counsel for the petitioner further submits that after acquittal, the petitioner has submitted representations dated 07.10.2016 and 28.11.2016 (Annexures P-3 and P-4) for his reinstatement in service, however, the same are still pending consideration and no final decision thereon has been taken and he would be satisfied, at this stage, if the respondents are directed to consider and decide the said representations in a time bound manner.

4. Learned counsel for the respondents have no objection to the innocuous prayer made by the petitioner and submit that the said representations shall be considered by respondent No.2.

5. I have heard learned counsel for the parties and have gone through the record of the case.

6. Without expressing any opinion on the merits of the case or the claim being made by the petitioner in the present petition, respondent No.2 is directed to consider and decide the claim made by the petitioner in the representations dated 07.10.2016 and 28.11.2016 (Annexures P-3 and P-4), in accordance with law, by passing a speaking

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order within a period of three months from the date of receipt of
certified copy of this order.

7. The petition stands disposed of.

05.03.2024

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(NAMIT KUMAR)
JUDGE

Whether speaking/reasoned:	Yes/No
Whether reportable:	Yes/No