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

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Date of Decision:17.02.2026

BABU RAM

-PETITIONER

V/S

STATE OF PUNJAB AND OTHERS

-RESPONDENTS

CORAM: HON'BLE MR. JUSTICE KULDEEP TIWARI

Present: Mr. Ankit Midha, Advocate,
for the petitioner.

Ms. Pratibha Bali, AAG, Punjab.

KULDEEP TIWARI, J. (Oral)

1. Through the instant petition cast under Article 226/227 of the Constitution of India, a prayer is made for issuance of a direction upon the respondents to allow the petitioner to rejoin into service, as he has already been acquitted in a criminal case, vide judgment dated 04.01.2021 (Annexure P-2). He also seeks a direction to take a final decision on his representation dated 27.10.2021 (Annexure P-7).

2. Succinctly stated that, the petitioner was serving as Beldar Class-IV, who had joined on regular basis on dated 14.12.2005. On 23.02.2019, the petitioner received a message from his native village in Nepal, regarding death of his wife, and due which he applied for a leave for 15 days from 23.02.2019 to 10.03.2019. When he reached in his

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ancestral village in Nepal, he was arrested by the police, on an allegation of committing the murder of his wife. He was taken into custody, and was subjected to the criminal prosecution, and finally, he was acquitted from the charges levelled against him, vide a judgement (*supra*). Thereafter, the petitioner wanted to come back to India, and rejoin his duties, but due to outbreak of Covid-19 Pandemic, he could not do so. Finally, upon approaching the respondent authorities on 06.10.2021, the petitioner was informed that he cannot rejoin his duties, as on account of his prolong absence from duty, his case has been considered as a Deemed Resignation.

3. Learned counsel for the petitioner submits that the petitioner had approached the authorities concerned, by way of representation (*supra*), disclosing therein, all his difficulties, and impediments as narrated above, which restrained him to rejoin his services, and his absence was not intentional or willful.

4. He further submits that till date no final decision, whatsoever, has been taken by the respondent authorities on the his representation (*supra*).

5. On the other hand, learned State counsel submits that after the petitioner absented himself from duties, several notices were served at his last known address, and upon not responding to the said notices, the petitioner was suspended vide order dated 06.09.2019, which was also sent on his address, but his family members refused to accept the same. Finally, the petitioner was chargesheeted for dereliction/negligence of



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duty under the Punjab Civil Services (Punishment and Appeal) Rule 1970. The chargesheet was also sent through the Registered Post, which remained unserved. Thereupon, a publication was also issued in two local newspapers. Finally, upon receiving no response from the petitioner for about more than one year, his absence was considered as Deemed Resignation from services.

6. This Court has put a specific query to learned State counsel, as to whether, the representation dated 27.10.2021 (Annexure P-7), has been decided by the competent authority, by passing a speaking order or not, to which, she after referring to the reply, answered in 'negative'.

7. In view of the above, this Court is of the considered view that at first instance, the grievance of the petitioner, is required to be redressed by the authorities concerned, therefore, a positive *mandamus* is passed upon the respondent authorities, to take a final decision on the representation (*supra*) of the petitioner, after giving due opportunities of hearing to him, by passing a speaking order, within a period of eight weeks from the date of receipt of a certified copy of this order.

8. **Disposed of** accordingly.

9. All pending application(s), if any, also stand **disposed of** accordingly.

February 17, 2026
dharamvir

(KULDEEP TIWARI)
JUDGE

Whether speaking/reasoned.	:	Yes/No
Whether Reportable.	:	Yes/No