

**CWP No. 18847 of 2018
DECIDED ON: AUGUST 01, 2018**

SURENDER SINGH AND ORS

.....PETITIONERS

VERSUS

STATE OF HARYANA AND ORS

.....RESPONDENTS

CORAM: HON'BLE MR. JUSTICE JASPAL SINGH

Present: Mr. Kartar Singh Malik-II, Advocate, for the petitioners.

JASPAL SINGH, J (ORAL)

Through the instant petition preferred under Articles 226/227 of the Constitution of India, petitioners have sought the issuance of a writ in the nature of mandamus directing the respondents to release the amount with regard to the suspension period, pay/benefits w.e.f. 30.05.2011 to 11.11.2014, gratuity, insurance and all other benefits with interest from the date of entitled of late Sh. Dharambir Singh, to them being his legal heirs with further direction to respondents to decide the representation dated 26.02.2016 (P-7) in a time bound manner.

2. The contention of learned counsel for the petitioners is that the deceased Dharambir who was working in the Animal Husbandry and Dairying Department was prosecuted to face trial under Section 377, 511 and 342 IPC in a criminal case bearing FIR No. 236, dated 24.05.2011 registered at Police Station Meham and placed under suspension. However, he stood acquitted in the afore-said case vide judgment dated 26.05.2014 passed by learned Additional Sessions Judge, Rohtak. Subsequent thereto, he was reinstated in

service vide order dated 11.11.2014 (P-5) passed by the Deputy Director, Animal Husbandry and Dairying Department, Rohtak. However, the decision of suspension period was stated to be taken on a later stage. Dharambir was taken away by the nature on 17.06.2015, as no decision with regard to the suspension period taken either during the life time of the deceased or thereafter till date. One of his legal representative namely Surender Singh moved representation dated 26.02.2016 (P-7) to the Sub Divisional Officer, Animal Husbandry and Dairying Division, Meham accompanied by the death certificate of Dharambir but till date no conscious decision has been taken. At this juncture, learned counsel for the petitioners submit that he feels satisfied in case a direction is issued to respondents No.2 and 3 to decide the afore-said representation dated 26.02.2016 (P-7) in a time bound manner.

3. In view of the afore-said aspects but without expressing any opinion on the merits of the case, instant petition is disposed of with a direction to respondents No.2 and 3 or any other competent officer, to look into the grievances unfolded by the petitioner No.1 in his representation (P-7) and to take a conscious decision in accordance with law, rules and regulations within a period of three months from the date of receipt of certified copy of this order.

4. However, in case petitioners still feel aggrieved by any of the order(s) passed by the concerned authority, they shall be at liberty to have recourse to other remedies available under law as well as to approach this Court.

AUGUST 01, 2018
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(JASPAL SINGH)
JUDGE

Whether speaking/reasoned ***Yes/No***
Whether reportable ***Yes/No***