

2025:PHHC:063266



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

116

CWP-13504-2025

Date of Decision: 13.05.2025

**MUKESH KUMAR**

... Petitioner

VERSUS

**THE COMMISSIONER-CUM-PRINCIPAL SECRETARY & ORS.**

... Respondents

**CORAM: HON'BLE MR. JUSTICE VINOD S. BHARDWAJ.**

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Present: Mr. Dinesh Arora, Advocate for the petitioner.

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**VINOD S. BHARDWAJ, J. (ORAL)**

Prayer in the present petition is for directing respondent No.1 to pass necessary speaking order in Appeal No.4334 of 2017 filed by the petitioner which is being kept pending since long.

Learned counsel for the petitioner contends that the petitioner was appointed as Clerk with the respondent-Department on 11.04.1990, however, he was wrongly relieved from service and was not allowed to join the duties. The services of the petitioner were eventually terminated by the respondent-Authority on 17.08.2010 without affording any opportunity of hearing to him. He further contends that even though the order of termination refers to a charge-sheet dated 29.05.2009 under Rule 7 of the Haryana Civil Services (Punishment & Appeal), Rules, 1987 pertaining to continuous absence from duty w.e.f. 22.07.2008, however, the petitioner was never served with any such charge-sheet during his entire service tenure. Thereafter, the petitioner approached this Court by filing Civil Writ Petition No.20661 of 2015, which came up for hearing on 28.09.2015, however, the same was dismissed as withdrawn with liberty to the petitioner to avail alternative remedies. In compliance thereto, the petitioner filed appeal before respondent No.1 bearing Appeal No.4334 of 2017, but the respondent did not take any action thereupon. Learned counsel further contends that the petitioner would be satisfied at this juncture in case respondent No.1 is directed to take an expeditious decision on the abovementioned pending appeal.

Notice of motion.

Ms. Tanisha Peshawaria, DAG, Haryana accepts notice on behalf of the respondents and submits that the record of the abovesaid appeal is not traceable in the office of respondent No.1. She refers to (Annexure P-7) to show that the appeal was last shown as pending as per status report dated 15.11.2021 and was listed for 12.07.2019, but thereafter, its whereabouts are not known.

Counsel for the petitioner contends that the petitioner would have no objection in supplying a fresh copy of the appeal in question and that the same shall be supplied within a period of fifteen days from today.

Learned State Counsel on instructions from Akhilesh, Clerk, Department of Social Justice and Empowerment, submits that in the event of the petitioner supplying a fresh copy of the abovementioned appeal, an expeditious decision shall be taken thereupon and preferably within a period of three months after the submission of fresh copy of the appeal.

Counsel for the petitioner agrees to the said arrangement.

Accordingly, in view of the above, with the consent of the parties and without commenting on the merits of the case, the instant petition is disposed of with a direction to the petitioner to supply a fresh copy of the appeal to respondent No.1 within a period of 15 days from today, who shall, thereafter, decide the same by passing a reasoned and speaking order thereupon within a period of three months of receipt of copy thereof.

**MAY 13, 2025.**

*Rajender*

**(VINOD S. BHARDWAJ)  
JUDGE**

*Whether speaking/reasoned* : Yes/No

*Whether reportable* : Yes/No