

Court No. - 34

Case :- WRIT - A No. - 18147 of 2023

Petitioner :- Mahendra Kumar

Respondent :- State Of U.P. And 2 Others

Counsel for Petitioner :- Yatish Kumar

Dwivedi, Shriprakash Mishra

Counsel for Respondent :- CSC, Sant Ram Sharma

Hon'ble Ajit Kumar, J.

1. Heard learned counsel for the parties.
2. By means of this petition filed under Article 226 of the Constitution of India, the petitioner has prayed for payment of salary which has been stopped since August 2022.
3. However, it transpires from the record that the petitioner has been issued some notice on 23.05.2023 for not reporting duty and thus remaining absconded. It further transpires that the petitioner has submitted reply on 30.05.2023 with statement that he has been continuously reporting duty. These are the question of facts that needed to be determined in first instance by the Executive Officer concerned who has issued show cause notice to the petitioner.
4. In view of the above, this petition stands ***disposed of*** with direction to the Executive Officer concerned to dispose of the matter of show cause notice dated 30.05.2023 to which petitioner has already submitted his reply on 30.05.2023, by affording reasonable opportunity of hearing to the petitioner as well within a period of two weeks of presentation of certified copy of this Court.
5. In the event no action has been taken against the petitioner till date and he has been reporting for duty continuously, he shall be paid his continuous salary atleast for the month of November, 2023. However, salary for the previous month shall abide by the decision to be taken by the authority concerned.

Order Date :- 6.11.2023/Deepika