

CWP No.23055 of 2014
Date of Decision: 03.05.2016

Rishi Kumar

... Petitioner

Versus

State of Haryana and others

.... Respondents

CORAM: HON'BLE MR. JUSTICE DEEPAK SIBAL

Present: Mr. Davinder Lubana, Advocate
for the petitioner.

Mr. Harish Rathee, Sr. DAG, Haryana.

DEEPAK SIBAL J. (ORAL)

The petitioner, a Lecturer in Electronics and Communication Engineering, Government Polytechnic Education Society, Sanghi was departmentally proceeded against on the charge that in the examination centre where he was deputed as a Deputy Superintendent, there had been reported cases of unfair means/mass copying. Having been found guilty in the inquiry, through the impugned order dated 13.03.2014, the petitioner was imposed the punishment of stoppage of two annual increments without cumulative effect.

Learned counsel for the petitioners submits that the act of the petitioner was similar to that of one Neelam Rani who was the Superintendent of the same examination centre of which the petitioner was deputed as the Deputy Superintendent. For the same charge as levelled against the petitioner, she had also been imposed the punishment of stoppage of two annual increments like in the case of the petitioner. However, against the punishment meted out to her, she made a representation to the Board of Governors, Chaudhary Matu Ram Arya Government Polytechnic Education

Society, Sanghi (Rohtak), which was considered in the meeting held on 21.05.2014, as a result of which the punishment of stoppage of two increments without cumulative effect meted out to her was substituted with a warning.

Learned counsel for the petitioner submits that the petitioner's duties were similar to that of the aforesaid Neelam Rani and when her punishment was converted from stoppage of two increments without cumulative effect to warning, the petitioner, claiming parity also moved a representation to the Board of Governors, Chaudhary Matu Ram Arya Government Polytechnic Education Society, Sanghi (Rohtak), through proper channel on 08.05.2015 which remains undecided.

Learned counsel for the petitioner submits that at this stage, he would be satisfied if the present writ petition is disposed of with a direction to respondent No.2 to take a decision on the representation dated 08.05.2015 (Annexure P-10), submitted by the petitioner.

I find the prayer made by learned counsel for the petitioner to be reasonable.

Accordingly, at this stage, without commenting on the merits of the case, the writ petition is disposed of with a direction to respondent No.2 to take a decision on the representation dated 08.05.2015 (Annexure P-10), submitted by the petitioner, by passing a speaking order and after affording opportunity of hearing to the petitioner, preferably within four months from the date of receipt of a certified copy of this order.

Needless to add that the decision so taken be communicated to the petitioner and if the decision is not to the satisfaction of the petitioner, the petitioner would be at liberty to challenge the same, in accordance with law.

(DEEPAK SIBAL)
JUDGE

May 03, 2016
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