

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

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**C.W.P No. 23008 of 2017
Date of decision: 23.10.2017**

Kishan Singh

...Petitioner

Vs.

State of Haryana & Ors.

...Respondents

CORAM: HON'BLE MR. JUSTICE G.S.SANDHAWALIA

Present: Mr. Brijesh Nandan, Advocate, for the petitioner.

G.S.SANDHAWALIA, J. (Oral).

Petitioner has approached this Court under Article 226 of the Constitution of India for issuance of a direction in nature of Mandamus for directing respondents to release equal to one month salary i.e. 13th month salary benefit on his service.

It is a case of the petitioner that he was posted as warder in District Jail, Yamunanagar and has been charge-sheeted on 07.04.2015 and placed under suspension. Due to the same he has not been granted benefits for two years i.e. for 2014-15 and 2015-16, though the disciplinary proceedings have now culminated in his favour as per order dated 12/25.08.2015 (Annexure P/2), whereby the Superintendent Head Quarters Jails, Panchkula, came to the conclusion that the charges levelled against the petitioner are not proved.

It has accordingly been ordered that the suspension period be treated as duty period and the petitioner has been held entitled to all the allowances for the said period. Counsel has pointed out that a representation was sent on 12.08.2016 (Annexure P/3) to respondent No.3 regarding this regard. Thereafter, legal notice dated 22.03.2017 (Annexure P/4) was also served claiming the same.

In response to the legal notice, the said respondent has written to the Director General of Prisons as to issuance of guidelines for the additional salary, and whether it is to be paid to the employee or not, vide communication dated 18.05.2017 (Annexure P/5). Counsel, accordingly, submits that issue is still pending consideration before respondent No.2 and he will be satisfied if time bound directions are issued to decide the same.

Notice of motion.

On the asking of Court, Ms. Shruti Jain Goyal, AAG, Haryana, accepts notice.

Keeping in view the controversy involved, this Court is of the opinion that no useful purpose would be served by calling for reply, since the decision making is still not complete and it would only delay the proceedings.

Accordingly, without commenting upon the merits of the case and the entitlement of the petitioner, the present writ petition is disposed of, with a direction to respondent No.2 to take a decision on the representation 12.08.2016 (Annexure P/3) and legal notice dated 22.03.2017 (Annexure P/4) within a period of 2 months. In case any adverse order is to be passed, the same should contain reasons and be conveyed to the petitioner.

October 23, 2017
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(G.S. SANDHAWALIA)
JUDGE

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