

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

CWP No. 26855 of 2017
Date of decision: 27.11.2017

Raj Kumar

....Petitioner(s)

Versus

State of Haryana and others

...Respondent(s)

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

Present: Mr. Kshitij Sharma, Advocate,
for the petitioner.

G.S.SANDHAWALIA, J. (Oral)

The petitioner seeks quashing of the orders dated 28.12.2005 (Annexure P-11) whereby, his services as Lower Division Clerk were terminated by respondent no. 2 on account of the loss suffered by the respondent-Nigam. The said order was upheld in appeal on 04.10.2007 (Annexure P-13) by the General manager. The challenge is raised on the ground that a similarly situated person namely Sunder Singh, who was a delinquent official in the same charge sheet, had not been proceeded against and the charge against him had been dropped vide communication dated 30.04.2009 (Annexure P-15). It is the case of counsel for the petitioner that on coming to know of the said subsequent event, he has filed representation dated 31.10.2014 (Annexure P-16) with respondent no. 3 and thereafter has also sent a legal notice dated 14.11.2017 (Annexure P-18) for reconsideration of his case.

Counsel for the petitioner, from the paper book, pointed out that vide charge sheet and statement of allegations dated 18.01.2002 (Annexure P-3), the incident pertained to the allegations qua the petitioner and one Sunder Singh LDC. Similarly, the said employee had also been

proceeded against vide similarly worded charge sheet and statement of allegations dated 18.01.2002 (Annexure P-4). It is accordingly his case that if one proceedings have been dropped against an employee who is similarly situated, the benefit should as such be also granted to him. He submits that legal notice has accordingly been served and, therefore, he would be satisfied at this stage if respondent no. 2 examines the issue and takes a decision on the same.

Keeping in view the above, this Court is of the opinion that no useful purpose would be served to call upon the respondents to file reply as the decision making process is still pending in view of the subsequent events.

Accordingly, without commenting on the merits of the case or the entitlement of the petitioner for the abovesaid relief and keeping in view the fact that the matter is still pending consideration, the present writ petition is disposed of with direction to respondent no. 2 to decide the legal notice dated 14.11.2017 (Annexure P-18). A copy of the writ petition shall also be supplied by the petitioner to the said respondent, who shall consider the same also and take a decision as to whether the petitioner's case is similarly situated with Sunder Singh and whether he can be granted similar benefits, as claimed for. The said exercise be completed within a period of 3 months from the date of receipt of certified copy of the order. In case any adverse order is to be passed, a reasoned order be passed and conveyed to the petitioner.

27.11.2017
shivani

(G.S. SANDHAWALIA)
JUDGE

Whether reasoned/speaking

Yes/No

Whether reportable

Yes/No