

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

CWP No.10778 of 2018
Date of decision: 02.05.2018

Satish Sharma

... Petitioner

Versus

Haryana Urban Development Authority and another

... Respondents

CORAM: HON'BLE MR. JUSTICE ARUN PALLI

Present: Mr. Ajay Kumar Kansal, Advocate for the petitioner.

ARUN PALLI, J. (Oral)

Notice of motion.

Mr. Rajesh K. Sheoran, Advocate, present in Court, accepts notice on behalf of the respondents. Copies furnished.

For the nature of order I propose to pass in the matter, no formal written statements/counter affidavits on behalf of the respondents are indeed necessary, at this stage. Thus, with the consent of the parties, the petition is being disposed of finally.

For a disciplinary action was contemplated against the petitioner, owing to loss of Measurement Books (MBs) No.1491 & 2793 concerning HSVP, he was placed under suspension, vide order dated 05.11.2013 (Annexure P1). In a preliminary inquiry held against the petitioner, he was found innocent, and a report dated 04.12.2013 (Annexure P2) was accordingly furnished. As a result, his suspension was revoked and he was reinstated on 18.12.2013 (Annexure P4). It is urged that since then

neither any charge-sheet has been issued to the petitioner and, of course, there was/is no occasion of any departmental inquiry being initiated or pending against him. But as owing to his suspension, his ACRs have not been completed, and he has since been deprived of all consequential benefits such as promotion etc., he has been representing to the respondent-department in this regard. But to no avail. And now having sensed the gross and inordinate delay that has occurred in dealing with the matter, vide impugned letter dated 09.04.2018 (Annexure P7), addressed to the Executive Engineer, HSVP, Division Rewari, office of the Chief Administrator, HSVP, Panchkula has required the former to submit a draft charge-sheet under Rule 7 against the petitioner within three days. It is urged that ex facie the petitioner is a victim of an apparent inaction at the end of the department, which has severally impacted his service career and the benefits he was/is entitled too.

Learned counsel for the petitioner submits that nearly five years have gone by since the petitioner was placed under suspension, and till now the matter has not made any tangible progress, but on the contrary the petitioner is being deprived of his legitimate dues.

In response, learned State counsel submits that the claim/grievance of the petitioner shall be considered, and a decision in regard thereto, shall be taken by the respondent-authorities by 9th of May, 2018. Further, appropriate orders, in accordance with law, shall be passed.

The petition is accordingly disposed of in the above terms.

However, in the event no decision is taken by the respondent-authorities, as indicated above, the petitioner shall be at liberty to move an

appropriate application in this petition itself for its restoration and decision on merits.

02.05.2018
Rajan

(Arun Palli)
Judge

Whether speaking / reasoned:	YES
Whether Reportable:	NO