

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CWP No. 31022 of 2018
Date of Decision : 07.12.2018

Hans Raj

...Petitioner

Versus

State of Punjab and others

...Respondents

CORAM: *HON'BLE MR. JUSTICE HARSIMRAN SINGH SETHI*

Present: Mr. Puneet Kumar Bansal, Advocate for the petitioner.

Harsimran Singh Sethi, J.(Oral)

In the present case, the petitioner is impugning the action of the respondent No. 3 by which even after reinstatement in service, the petitioner has been denied the benefit of arrears of salary etc.

This order was passed by the General Manager on 08.02.2017, which has been annexed with this petition as Annexure P-5. Thereafter, the petitioner again filed a representation to the General Manager and not to the higher authority and the said representation was rejected by the General Manager on 02.08.2018 (Annexure P-7). After the rejection, the petitioner submitted a legal notice dated 13.09.2018 (Annexure P-9) to the higher authorities in respect of his claim.

Learned counsel for the petitioner states that the legal notice has been replied by the said General Manager, against whose order, the legal notice was submitted to the higher authorities, which is not permissible. Learned counsel further states that the petitioner will be

satisfied if a direction is given to respondent No. 2-Director, State Transport, Punjab to decide the legal notice dated 13.09.2018 (Annexure P-9) in a time bound manner.

Keeping in view the request made by learned counsel for the petitioner, respondent No. 2-Director, State Transport, Punjab, is directed to pass an appropriate order on the legal notice served by the petitioner dated 13.09.2018 (Annexure P-9) within a period of three months from the date of receipt of certified copy of this order. In case the petitioner is found entitled for any relief, the same should also be released to him within a period of next three months.

It is made clear that the order shall only be passed by respondent No. 2-Director, State Transport, Punjab after considering all the facts and not by the authority, who has passed the order dated 08.02.2017, rejecting the claim of the petitioner.

This Court expresses no opinion on the merits of the case and the claim made by the petitioner either in the present writ petition or in the legal notice at this stage.

The writ petition stands disposed of accordingly.

December 07, 2018
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(HARSIMRAN SINGH SETHI)
JUDGE

Whether speaking/reasoned? *Yes/No*
Whether reportable? *Yes/No*