

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

CWP No.331 of 2018
Date of decision: 11.01.2018

Satish

... Petitioner

Versus

State of Haryana and others

... Respondents

CORAM: HON'BLE MR. JUSTICE ARUN PALLI

Present: Mr. Rajinder Singh Malik, Advocate for the petitioner.

ARUN PALLI, J. (Oral)

The petitioner is working as Multipurpose Health Worker in General Hospital, Sonapat. An FIR No.6, dated 28.01.2015, under Sections 376 & 323 of the Indian Penal Code was registered against the petitioner. Resultantly, he was arrested on 09.02.2015 and was confined to judicial custody from 10.02.2015 to 31.03.2015. However, vide order and judgment dated 01.04.2015 (Annexure P1), the petitioner was acquitted of all the charges and rather a proceeding under Section 344 of Code of Criminal Procedure was initiated against the prosecutrix. The petitioner reported for duty on 07.04.2015, post acquittal. Vide letter dated 14.05.2015 (Annexure P5), issued by respondent No.3 i.e. Director Health Services (Malaria) Haryana, the petitioner was permitted to resume duty. The petitioner represented to respondent No.4 to release his salary for the period of his absence owing to the pendency of the criminal case. And, vide order dated 25.05.2016, issued by respondent No.3, the period w.e.f. 10.02.2015 to 31.03.2015 has been treated as deemed suspension period. But still his salary

for the suspension period has not been released. So much so, the respondents were even served with a legal notice dated 10.08.2017 (Annexure P10). But to no avail.

That being so, the petition is disposed of, at this stage, only with a direction to the respondent authority to consider and decide the notice they have been served with, dated 10.08.2017 (Annexure P10), within a period of eight weeks from the receipt of certified copy of this order. And pass appropriate orders in accordance with law. In the event, the claim of the petitioner is declined, the authority shall pass a comprehensive order assigning reasons in support thereof.

11.01.2018
Rajan

(Arun Palli)
Judge

Whether speaking / reasoned:
Whether Reportable:

YES
NO