

CWP No. 4993 of 2018

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

CWP No. 4993 of 2018

Date of Decision: 01.03.2018

Chandervir Singh

...Petitioner

Vs.

State of Haryana and others

...Respondents

CORAM:- HON'BLE MR.JUSTICE RAJIV NARAIN RAINA

Present: Mr. Jawahar Lal Goyal, Advocate,
for the petitioner.

RAJIV NARAIN RAINA, J. (Oral)

The domestic enquiry initiated under charge sheet dated 20.12.2010 resulted in minor penalty of warning to be careful in future imposed on 27.04.2017. The petitioner has been passed over for grant of benefits of 2nd ACP which fell due on 14.03.2014; annual increment falling due on 01.07.2011 and claim is also for antedated promotion to the post of PGT (Economics) since junior was promoted during the disciplinary proceedings. Also, a decision is yet to be taken on treating the period of suspension subsistence allowance on arrears of salary all of which are pending consideration, although, a legal notice dated 23.09.2017 has been served on the Director Elementary Education, Haryana Panchkula. These are valuable rights of the petitioner which deserve to be addressed in the wake of the conclusion of the enquiry and award of minor punishment. To address these issues, the competent authority would need to visit the rules of service and past administrative

precedents/practices in the department in similar cases, if any, and to take a final decision on the multiple unresolved issues. It would serve no useful purpose to issue notice to the respondents to waste the time of the court when the view of the competent/decision making authority is not known on the grievances.

Accordingly, without expressing any opinion on the merits of the case, the direction is issued to the respondent-Director Elementary Education, Panchkula, Haryana to take a decision on all the claims within three months from the date of receiving of the certified copy of the order. The petitioner will be heard, in case an adverse order is proposed to be passed. However, if the claim/s of the petitioner is/are found justified, then he can be given relief/s without passing a speaking order. -

With the above directions, the petition stands disposed of.

(RAJIV NARAIN RAINA)
JUDGE

01.03.2018

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Whether speaking/reasoned : *Yes*

Whether reportable : *No*