

CWP No. 6525 of 2018

DECIDED ON: MARCH 16, 2018

SOM NATH

.....PETITIONER

VERSUS

U.H.B.V.N. AND ORS

.....RESPONDENTS

CORAM: HON'BLE MR. JUSTICE JASPAL SINGH

Present: Mr. Virender Kumar, Advocate
for the petitioner.

JASPAL SINGH, J (ORAL)

By virtue of instant petition preferred under Articles 226/227 of the Constitution of India, petitioner has sought a writ in the nature of mandamus directing the respondents to treat his suspension period w.e.f. 27.11.2013 to 21.06.2017 as duty period and thereafter, release his full pay and allowances with further direction to grant him revised pay scale w.e.f. 01.01.2016 and then to make the payment of arrears and also to release his all retiral benefits i.e. GPF, gratuity, commuted value of pension, pension, leave encashment and arrears of pay fixation, increments and benefits of revision of pay scale w.e.f. 01.01.2016 along-with interest on the delayed payment.

2. The contention of learned counsel for the petitioner is that petitioner faced the consequence in a case bearing FIR No. 16, dated November 27, 2013, registered under Section 7/13 of Prevention of Corruption Act, 1988 at Police Station Vigilance Bureau, Ambala but he stands acquitted vide judgment dated

January 31, 2015 passed by learned Sessions Judge, Kurukshetra (P-1). Subsequent to the acquittal a charge sheet was served upon the petitioner on the same set of allegations as contained in the afore-said FIR, which also culminated vide order dated January 27, 2017 (P-8) whereby, he was warned to be careful in future. Subsequent thereto, petitioner served legal notice dated January 08, 2018 (P-10) upon the respondents but till date neither any response has been received nor any action has been taken. He further submits that he feels satisfied in case a direction is issued to respondent No.2 to decide the legal notice dated January 08, 2018 (P-10), within some stipulated period.

3. In view of submission made by learned counsel for the petitioner but without expressing any opinion on the merits of the case, instant petition is disposed of with a direction to respondent No.2 to look into the grievances unfolded by the petitioner in the legal notice dated January 08, 2018 (P-10) in accordance with law, rules and regulations, within a period of four months from the date of receipt of certified copy of this order.

4. However, in case the petitioner feels dissatisfied by any inaction of the authorities concerned, he shall be at liberty to have recourse to the other remedies available under law, including to approach this Court.

MARCH 16, 2018
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(JASPAL SINGH)
JUDGE

<i>Whether speaking/reasoned</i>	<i>Yes/No</i>
<i>Whether reportable</i>	<i>Yes/No</i>