

**IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH****Date of decision: 17.01.2018****CWP No.808 of 2018**

Hemant Kumar

...Petitioner

Vs.

State of Haryana & others

...Respondents

CORAM: HON'BLE MR. JUSTICE RAJIV NARAIN RAINAPresent: Ms. Bhavna Grewal, Advocate, for
Mr. S.K.Yadav, Advocate, for the petitioner.**RAJIV NARAIN RAINA, J. (ORAL)**

1. The petitioner, who is a Lecturer (Sanskrit), has approached this Court seeking directions for release of salary for the period from 04.08.2016 to 28.10.2016 and further release of salary of 20 days deducted from earned leave.

2. The petitioner met with an accident on 04.08.2016 while he was on official duty and remained admitted in Fortis Hospital for about 22-23 days, after he was brought in an unconscious state for treatment. He is aggrieved by the illegal deduction of salary and for reduction in his earned leave account. He appears to have a justifiable reason to approach this Court, but since the Department has not taken any action on his legal notice/representation (Annex P-4), a direction should go in the first instance to the competent authority i.e. respondent No.2 to take the legal notice of the petitioner in hand; consider the same; call the petitioner, hear him out and pass a speaking order. In case, the authority finds that the grievance is genuine, then the salary etc. can be released to the petitioner without passing

a speaking order. A speaking order would be necessary only if it is proposed to pass an order adverse to his interest. The decision be taken within one month from the date of receipt of certified copy of this order and in case money is found due, the same should be paid within a fortnight thereafter.

3. With these observations and directions, the instant petition stands disposed of.

17.01.2018
Vimal

[RAJIV NARAIN RAINA]
JUDGE

<i>Whether speaking/reasoned:</i>	<i>Yes</i>
<i>Whether Reportable:</i>	<i>No</i>