

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CWP No. 15388 of 2017

Date of Decision: 29.01.2019

Sushil Verma

...Petitioner

Vs.

State of Haryana and others

...Respondents

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

Present: Mr. Sunil Chadha, Senior Advocate with
Mr. Saurav Kanojia, Advocate
for the petitioner.

Ms. Shruti Jain Goyal, DAG, Haryana.

RAJIV NARAIN RAINA, J. (Oral)

1. Mr. Saurav Kanojia, learned counsel assisting the learned senior counsel makes a statement upon instructions from the petitioner that the first prayer made in the petition regarding fact finding enquiry may be disposed of as infructuous since the petitioner continued as Member of the State Commission for Protection of Child Rights and his tenure expired on 30.10.2018.

2. The operation of the show-cause notice dated 28.06.2017 had been stayed by an interim order dated 02.08.2017. This Court stayed further action pursuant to the show-cause notice till the next date of hearing. The interim order was made to continue on 27.04.2018.

3. Learned State counsel contends that the matter ought not to be treated as infructuous as the writ is not maintainable against a show-cause notice. The fact finding enquiry had been conducted by a retired

IAS officer upon which the show-cause notice was issued. It cannot be said that the matter has concluded with the passing of a final order. No opinion thereon is expressed and the matter is left to the State Government to act in accordance with law.

4. As far as the prayer for mandamus is concerned seeking directions to the respondent to pay the petitioner an honorarium of Rs.2,000/- per meeting and other allowances in terms of the notification appointing the petitioner as Member, the same will be considered by the State Government. If the petitioner has attended the meetings but amounts have not been paid, then he may be reimbursed the amount found due.

5. Payments, if any due, be made within a period of 8 weeks from the date of receipt of a certified copy of the order.

6. With these observations, the petition stands disposed of.

(RAJIV NARAIN RAINA)
JUDGE

29.01.2019

kv

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