

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CWP No.29978 of 2019

Date of Decision: October 17, 2019

Neeraj Kumar

...Petitioner

Versus

State of Haryana & others

...Respondents

CORAM: HON'BLE MR.JUSTICE AMIT RAWAL

Present: Mr. Rajesh K. Kataria, Advocate,
for the petitioner.

AMIT RAWAL, J. (Oral)

Contention of the petitioner is that after having been appointed as Lab. Technician, a show cause notice dated 31.07.2017 (Annexure P-2) for remaining absent from duty from 10.07.2017 to 23.07.2017 was issued to the petitioner with further direction to the Medical Officer, CHC, Chhara to withhold the salary of the petitioner till he seeks clarification. Petitioner has already submitted detailed reply dated 04.08.2017 ((Annexure P-5). Further submits that the petitioner had made a complaint against the Medical Officer, which was investigated into, wherein he also admitted withholding of ten days salary and the Enquiry Officer, vide enquiry report dated 26.01.2019 (Annexure P-17), directed the Medical Officer-In charge and the S.M.O., Chhara to take an early decision with regard to leave and the remaining salary of the employee. Petitioner in this regard made a representation dated 30.01.2019 (Annexure P-18), but no action has been taken. Even benefit of ACP has not been granted to him.

Learned counsel contends that the petitioner, at this stage, would be satisfied if a direction is issued to respondent No.4 to consider and decide the representation dated 30.01.2019 (Annexure P-18), within some specified time.

In view of the statement made by the counsel for the petitioner and without going into the merit of the case or commenting thereon, the present writ petition is disposed of with directions to respondent No.4 to decide the representation dated 30.01.2019 (Annexure P-18) and as well as the grievance of the petitioner for non-grant of ACP within a period of two months from the date of receipt of certified copy of this order after affording opportunity of hearing.

In case the claim of the petitioner is to be accepted, the consequential benefits, if any, be released to him, in accordance with law and if the claim of the petitioner is not to be accepted, then a well reasoned and speaking order be passed and conveyed to the petitioner forthwith.

It is made clear that in case the representation is not decided within two months, there shall be costs of ₹ 25,000/- to be paid to the petitioner.

October 17, 2019
ramesh

(AMIT RAWAL)
JUDGE

Whether speaking/reasoned
Whether Reportable:

Yes/No
Yes/No