

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CWP No. 235 of 2019
Date of Decision : 10.01.2019

Ramesh Kumar Batra

...Petitioner

Versus

Director General, Animal Husbandry and Dairying, Haryana and others

...Respondents

CORAM: HON'BLE MR. JUSTICE HARSIMRAN SINGH SETHI

Present: Mr. Aditya Bhushan, Advocate for the petitioner.

Harsimran Singh Sethi, J.(Oral)

In the present writ petition, the petitioner is challenging the order dated 26.05.2017 (Annexure P-18) by which the benefit which was given to the petitioner vide order dated 29.04.2010 by equating his pay equivalent to that one of Sh. Punjab Singh, the alleged junior to the petitioner, has been withdrawn.

Learned counsel for the petitioner states that even though a show cause notice was issued to the petitioner but in the absence of the record, the petitioner could not file the reply to the same. The petitioner only got the record of 30.05.2017 whereas the impugned order was passed on 26.05.2017. Learned counsel for the petitioner further states that the ground which has been taken by the respondents to withdraw the claim is that the petitioner was already getting a higher pay than Sh. Punjab Singh and, therefore, he was not entitled for the benefit. Contesting the said ground as incorrect, the petitioner immediately filed an application for review of the said order on 24.07.2017 (Annexure P-19) and the said application/representation is still pending consideration with the respondents.

Learned counsel for the petitioner states that at this stage the petitioner will be satisfied in case a direction is given to the respondents to consider his application/representation dated 24.07.2017 (Annexure P-19), which he has filed against the order dated 26.05.2017 in a time bound manner. Learned counsel further states that it will be appreciated if the reply filed by the petitioner on 30.05.2017 is also kept in mind while passing the order on the application/representation preferred by the petitioner on 24.07.2017.

Notice of motion.

At the asking of the Court, Mr. Charanjit Singh Bakhshi, Additional Advocate General, Haryana, accepts notice on behalf of the respondents-State and states that he has no objection to the prayer of the petitioner for deciding his application/representation dated 24.07.2017 (Annexure P-19) at this stage.

In view of the above, the writ petition is disposed of with a direction to the respondents to pass appropriate orders on the application/representation filed by the petitioner dated 24.07.2017 (Annexure P-19) within a period of three months from the date of receipt of certified copy of this order. It will be appreciated if the reply dated 30.05.2017 filed by the petitioner after the passing of the impugned order dated 26.05.2017 is also kept in mind while passing the order on his application.

However, it is made clear that this Court expresses no opinion on the merits of the case or the claim made by the petitioner either in the present writ petition or in the appeal.

January 10, 2019
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(HARSIMRAN SINGH SETHI)
JUDGE

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