

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

C.W.P.No.8026 of 2020 (O&M)
Date of Order:15.06.2020

Sikander Pal

..Petitioner

Versus

State of Haryana and others

..Respondents

CORAM: HON'BLE MR. JUSTICE ANIL KSHETARPAL

Present: Mr. Deepak Sonak, Advocate,
for the petitioner.

Ms. Shruti Jain, DAG, Haryana.

ANIL KSHETARPAL, J(Oral)

In deference to the order dated 12.06.2020, Dr. S.S.Phulia, IAS, Transport Commissioner, Haryana, is present through video conferencing along with Ms. Shruti Jain, Deputy Advocate General, Haryana. He has informed the court that services of the petitioner were placed under suspension vide order dated 08.06.2020. He undertake that the disciplinary proceedings initiated against the petitioner shall be got concluded within a period of 4 months from today and, in the meantime, the petitioner shall be entitled to be paid the suspension allowance in accordance with rules.

This court has heard learned counsels for the parties through video conferencing on account of restricted functioning of the Courts.

The present petition has been filed with the following substantive prayers:-

“b) issue writ in the nature of certiorari for setting aside the impugned explanation letter dated 15.04.2020 (Annexure P-3) vide which respondent no.3 on instance of respondent no.4 with an intention to harass and humiliate the petitioner, showing him absent from duty during the lock down period and not releasing the salary

of the period 23th March to 30th April, 2020. The action of the respondent no.3 is totally in violation of instruction dated 23.03.2020 (Annexure P-1) vide which clear cut instructions have been issued by the Govt. “if the place of employment is made non functional due to Covid-19, the employee/workers may be treated 'On duty and be paid in full”.

AND

A writ in the nature of Mandamus directing the respondent no.2 to release the salary of the petitioner for the period 23.03.2020 to 30.04.2020 and take action against respondent no.3 and 4 for causing harassment to the petitioner and for violating the Govt. instructions dated 23.03.2020 (Annexure P-1) issued during Covid-19.”

Keeping in view the facts of the case, the writ petition is disposed of by directing the Transport Commissioner, Haryana, to get the disciplinary proceedings concluded within a period of 4 months from today. In the meantime, the writ petitioner shall be paid suspension allowance as per rules.

June 15, 2020
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(ANIL KSHETARPAL)
JUDGE

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