

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CWP No.10242 of 2021
Date of decision: 26.05.2021

Ashok Kumar

...Petitioner

Versus

State of Punjab and others

...Respondents

(Through video conferencing)

CORAM: *HON'BLE MR. JUSTICE HARSIMRAN SINGH SETHI*

Present: Mr. Harinder Sharma, Advocate for the petitioner.

Ms. Sunint Kaur, AAG, Punjab.

* * *

Harsimran Singh Sethi, J. (Oral)

Learned counsel for the petitioner argues that the petitioner was suspended by the respondents authority initially from 10.02.2004 to 19.06.2004 and again from 08.11.2004 to 03.08.2005 in anticipation to disciplinary proceedings to be conducted against the petitioner. Learned counsel for the petitioner submits that the charges alleged against the petitioner were not proved but, still alleging negligence, punishment of stoppage of one increment without cumulative effects was imposed upon the petitioner, which is a minor punishment.

Learned counsel for the petitioner further submits that as per the Instructions dated 26.03.1990 (Annexure P/15), which have been issued by the State of Punjab, in case after the disciplinary proceedings, an employee has been imposed a minor punishment, then the employee is entitled for full pay for the period he/she remained under suspension, which benefit is not extended to the petitioner by the respondents and that too

without any valid justification.

Learned counsel for the petitioner further submits that for the relief, which is being claimed in the present writ petition, the petitioner has already served the respondents with a legal notice dated 15.03.2021 (Annexure P/13), which is still pending consideration with the respondents and the petitioner will be satisfied, at this stage, in case a time bound direction is issued to respondent No.2 to decide the said legal notice by passing an appropriate speaking order.

Notice of motion.

Ms. Sunint Kaur, AAG, Punjab, who has joined the proceedings through video conference, keeping in view the service of advance copy of petition, accepts notice on behalf of State of Punjab and raises no objection in case, a direction is issued to the respondent No.2 to decide the legal notice dated 15.03.2021 (Annexure P/13) served by the petitioner in a time bound manner by passing an appropriate speaking order.

In view of the above, without expressing any opinion on the merits of the case or the claim being made by the petitioner, respondent No.2 is directed to decide legal notice dated 15.03.2021 (Annexure P/13) submitted by the petitioner by passing a speaking order within a period of two months from the date of receipt of a copy of this order.

Present writ petition stands disposed of.

May 26, 2021
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(HARSIMRAN SINGH SETHI)
JUDGE

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