

**IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH**

CWP NO. 25701 OF 2021

DATE OF DECISION: 16.12.2021

Suresh Kumar

...Petitioner

Versus

State of Haryana and others

...Respondents

CORAM : HON'BLE MR. JUSTICE ARUN MONGA

Present : Mr. S. K. Malik, Advocate,
for the petitioner.

Mr. Saurabh Mohunta, DAG, Haryana.
(Presence marked through video conferencing).

ARUN MONGA, J. (ORAL)

Petitioner herein, *inter alia*, seeks issuance of a writ in the nature of certiorari seeking quashing of impugned order dated 31.03.2004 (Annexure P-1) vide which major penalty of stoppage of one annual increment with cumulative effect has been imposed. Further prayer has been made to withdraw the impugned order and grant annual increment and re-fix his pay with all consequential benefits.

2. Learned counsel for the petitioner submits that petitioner is working as Conductor since 16.11.1992. On 09.07.2003, the petitioner fell ill and remained on medical leave w.e.f. 09.07.2003 to 13.07.2003. Despite leave, the petitioner was charge-sheeted under Rule 7 for willful absence for the above mentioned period. Show Cause notice was issued to the petitioner on 19.03.2004 for stoppage of two annual increments with

cumulative effect. After personal hearing on 23.03.2004, the petitioner

was imposed with punishment of stoppage of one annual increment with cumulative effect. The petitioner submitted representation dated 31.03.2004 (Annexure P-2) followed by another representation dated 08.10.2021 (Annexure P-3) but to no avail. Hence, the instant petition.

3. Learned State counsel, on advance service, joins the proceedings and opposes the issuance of notice of motion and argues that petition has been filed pre-maturely, as an appeal is in fact already pending with the department.

4. In the premise, the instant writ petition, being pre-mature, is disposed of with liberty to the petitioner to pursue his cause with the competent authority. However, it is expected of the competent authority to decide the appeal as expeditiously as possible.

6. Disposed of accordingly.

DECEMBER 16, 2021
Shalini

(ARUN MONGA)
JUDGE

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