

120 IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CWP-11993-2022
Date of Decision: 30.05.2022

MANISH KUMAR

...Petitioner

Versus

STATE OF HARYANA AND OTHERS

...Respondents

CORAM: HON'BLE MR. JUSTICE ARUN MONGA

Present : Mr. Parveen Chauhan, Advocate
for the petitioner.

Mr. Pankaj Middha, Addl. A.G., Haryana.

Mr. Arvind Seth, Advocate
for respondent No.3.

ARUN MONGA, J. (ORAL)

Petitioner herein, *inter alia*, seeks issuance of a writ in the nature of *mandamus* directing the respondents to release arrears of salary to him from 06.04.2021 to 13.08.2021 for the period he remained suspended.

2. Petitioner was appointed as District Programme Manager vide order dated 08.01.2014 (Annexure P-1) in Haryana State Rural Livelihood Mission (here-in-after referred to as 'HSRLM' in Panchkula Mission Unit. During an enquiry regarding delayed payment of bills related to Training and Capacity Building under the HSRLM, the petitioner was found responsible for causing delay in such payments and hence, he was suspended vide suspension order dated 06.04.2021 (Annexure P-2). The petitioner was, thereafter, dismissed from service vide impugned order dated 12.07.2021 (Annexure P-6). He challenged the said order and the same was set aside and the petitioner was ordered to be re-instated. A regular enquiry under the supervision of HCS Joint Director, Rural Development Department was ordered to be conducted. An FIR No.313 dated 13.11.2021 under Sections 419, 420, 120-B, 201 of IPC; 66(C) and 66(D) of Information Technology Act at Police Station Section 14, Panchkula was registered against the petitioner. Pursuant thereto, he was suspended vide letter dated 17.12.2021 (Annexure P-11). The said suspension order was challenged by the petitioner

by way of filing CWP-426 of 2022, which is pending for 18.10.2022. Grievance of the petitioner is that he is not being released the arrears of salary from 06.04.2021 to 13.08.2021.

3. Qua the aforesaid grievance, petitioner also submitted a representation dated 14.04.2022 (Annexure P-15) but the same has not been adverted till date. Hence the petition.

4. On advance service, learned State counsel and learned counsel for respondent No.3 appear and submit that a decision will be taken by competent authority, either way, on the pending representation dated 14.04.2022 (Annexure P-15) by passing a speaking order.

5. At this stage, learned counsel for the petitioner also seeks decision on the pending representation, as suggested by learned State counsel as well as learned counsel for respondent No.3.

6. Given the nature of order being passed, there is no necessity to seek return by any of the respondents as no further proceedings and/or pleadings are required.

7. Without commenting on the merits of the case, the instant writ petition is disposed of with a direction to the respondents to look into the representation dated 14.04.2022 (Annexure P-15) of the petitioner and pass an administrative order, in accordance with law.

8. Let the needful be done as expeditiously as possible.

9. Disposed of accordingly.

May 30, 2022

gurpreet

(ARUN MONGA)

JUDGE

Whether speaking/reasoned:

Yes/No

Whether reportable:

Yes/No